

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

VOLUME 12 1934 NUMBER 223

Washington, Friday, November 14, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2756

THANKSGIVING DAY, 1947

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

Older than our nation itself is the hallowed custom of resting from our labors for one day at harvest time and of dedicating that day to expressions of gratitude to Almighty God for the many blessings which He has heaped upon us. Now, as the cycle of the year nears completion, it is fitting that we should lift up our hearts again in special prayers.

May our thanksgiving this year be tempered by humility, by sympathy for those who lack abundance, and by compassion for those in want. As we express appreciation in prayer for our munificent gifts, may we remember that it is more blessed to give than to receive; and may we manifest our remembrance of that precept by generously sharing our bounty with needy people of other nations.

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, invite the attention of all citizens to the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day. I proclaim Thursday, November 27, 1947, as a day of national thanksgiving; and I call upon the people of the United States of every faith to consecrate that day to thoughts of gratitude, acts of devotion, and a firm resolve to assist in the efforts being made by religious groups and other bodies to aid the undernourished, the sick, the aged, and all sufferers in war-devastated lands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of November in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of

America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-10168; Filed, Nov. 13, 1947;
11:26 a. m.]

EXECUTIVE ORDER 9903

TERMINATION OF DUTY-FREE ADMISSION OF WAR MATERIALS PURCHASED BY CERTAIN AGENCIES

By virtue of the authority vested in me as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

Except as to articles entered for consumption, or withdrawn from warehouse for consumption, prior to the thirtieth day after the date of this order, there is hereby terminated the authority of (1) the Secretary of Agriculture and the Reconstruction Finance Corporation and its Board of Directors under Executive Order No. 9177 of May 30, 1942 (7 F. R. 4195), (2) the United States Maritime Commission under Executive Order No. 9495 of October 30, 1944 (9 F. R. 13035) and (3) the Secretary of Commerce under Executive Order No. 9768 of August 9, 1946 (11 F. R. 8711).

All provisions of prior Executive orders inconsistent with the provisions of this order are amended accordingly.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 12, 1947.

[F. R. Doc. 47-10163; Filed, Nov. 13, 1947;
10:38 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 277—TOBACCO LOANS

SUBPART, 1947

Statement with respect to tobacco loan program for 1947-1948 marketing year—

(Continued on p. 7415)

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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¹ Bureau of Land Management Misc. 8003.

² E. O. 9903.

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^a P. L. O. 424.	
1947 crop—formulated by Commodity Credit Corporation and Production and Marketing Administration. This statement supplements the one published July 23, 1947 (12 F. R. 4878), which applied only to fire-cured tobacco, by including all other kinds of tobacco. Also, announcement is made of the schedule of advance rates by grades for the 1947 crop of types 21, 22, 23, 24, 31, 35, 36, and 37 tobacco.	
Sec.	
277.26 1947 crop; statement supplementing §§ 277.21 to 277.25, inclusive.	
277.27 1947 crop; Virginia fire-cured tobacco, Type 21, Advance Schedule.	
277.28 1947 crop; Kentucky and Tennessee fire-cured tobacco, Types 22, 23, and 24, Advance Schedule.	
277.29 1947 crop; Burley tobacco, Type 31, Advance Schedule.	
277.30 1947 crop; Dark air-cured tobacco, Types 35 and 36, Advance Schedule.	
277.31 1947 crop; Virginia Sun-cured, Type 37, Advance Schedule.	
AUTHORITY: §§ 277.26 to 277.31, inclusive, issued under sec. 8, 56 Stat. 765; 58 Stat. 642, 784; 59 Stat. 306, 506; 50 U. S. C. App. Sup. 968.	

§ 277.26 1947 crop; statement supplementing §§ 277.21 to 277.25, inclusive. The statement in §§ 277.21 to 277.25, inclusive, published July 23, 1947 (12 F. R. 4878) applied only to fire-cured tobacco. The information contained therein is supplemented by making it applicable to all kinds of tobacco as defined in section 301 of the Agricultural Adjustment Act of 1938, as amended. The level of loans for such tobacco is 90 percent of parity to cooperating growers, except in the case of fire-cured tobacco where the rate is 75 percent of the Burley loan rate, and dark air-cured and Virginia sun-cured for which the rates are 65½ percent of the Burley rate.

§ 277.27 1947 crop; Virginia fire-cured tobacco, Type 21, Advance Schedule.¹

[Dollars per 100 pounds, farm cake weight]

Grade	Length 43	Length 45	Length 44	Grade
A1F.....	45.12	47.12	44.12	T3F..... 33.12
A2F.....	43.12	45.12	44.12	T4F..... 27.12
A3F.....	33.12	43.12	39.12	T5F..... 24.12
A1D.....	45.12	47.12	44.12	T3D..... 33.12
A2D.....	43.12	45.12	44.12	T4D..... 27.12
A3D.....	33.12	43.12	39.12	T5D..... 24.12
B1F.....	41.12	42.12	41.12	T3M..... 27.12
B2F.....	33.12	42.12	39.12	T4M..... 24.12
B3F.....	33.12	33.12	33.12	T5M..... 22.12
B4F.....	32.12	34.12	33.12	T3G..... 27.12
B5F.....	23.12	33.12	29.12	T4G..... 24.12
B1D.....	41.12	42.12	41.12	T5G..... 22.12
B2D.....	33.12	42.12	39.12	N1L..... 30.12
B3D.....	33.12	33.12	33.12	N2L..... 27.12
B4D.....	32.12	34.12	33.12	N3L..... 24.12
B5D.....	23.12	33.12	29.12	N4L..... 21.12
B3M.....	31.12	33.12	32.12	N5L..... 19.12
B4M.....	23.12	33.12	29.12	N1F..... 33.12
B5M.....	23.12	23.12	27.12	N2F..... 27.12
B5G.....	31.12	33.12	32.12	N3F..... 24.12
B4G.....	23.12	33.12	29.12	N4F..... 21.12
B5G.....	23.12	23.12	27.12	N5F..... 19.12
C1L.....	49.12	42.12	41.12	N1D..... 30.12
C2L.....	33.12	42.12	39.12	N2D..... 27.12
C3L.....	33.12	37.12	35.12	N3D..... 24.12
C4L.....	32.12	34.12	33.12	N4D..... 21.12
C5L.....	23.12	33.12	29.12	N5D..... 19.12
C1F.....	49.12	42.12	41.12	N3M..... 27.12
C2F.....	33.12	42.12	39.12	N4M..... 24.12
C3F.....	33.12	37.12	35.12	N5M..... 19.12
C4F.....	32.12	34.12	33.12	N1G..... 33.12
C5F.....	23.12	33.12	29.12	N2G..... 27.12
C2D.....	31.12	33.12	32.12	N3G..... 24.12
C3D.....	23.12	31.12	30.12	N4G..... 21.12
C4D.....	23.12	29.12	28.12	N5G..... 19.12
C5D.....	23.12	23.12	23.12	N1L..... 11.12
C3M.....	23.12	23.12	23.12	N1R..... 11.12
C4M.....	23.12	23.12	27.12	N1G..... 11.12
C5M.....	23.12	23.12	21.12	
C6G.....	23.12	23.12	27.12	
C1G.....	24.12	23.12	27.12	
C5G.....	29.12	22.12	29.12	

¹The Cooperative Associations through which the loans are made for Virginia fire-cured, Type 21; Burley, Type 31; and Virginia sun-cured, Type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against the overhead costs to the associations of the loan operations. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (wet), "U" (unsound), DAM (damaged), N2L, N2R, or N2G will not be accepted, except in Types 22, 23, 24, 35, and 36, where the tobacco graded "W" (wet) will be accepted at an advance rate of 20 percent below the regular grade advance rate. Tennessee and Kentucky fire-cured, Types 22, 23, and 24, grades marked with special factor "OS" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

RULES AND REGULATIONS

§ 277.28 1947 crop; Kentucky and Tennessee fire-cured tobacco, Types 22, 23, and 24, Advance Schedule.¹

[Dollars per 100 pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade
A1F.....	46	39	T3F..... 26
A2F.....	43	37	T4F..... 24
A3F.....	40	37	T5F..... 22
A1D.....	47	40	T3D..... 26
A2D.....	45	40	T4D..... 24
A3D.....	41	37	T5D..... 22
B1F.....	43	41	T3M..... 24
B2F.....	39	37	T4M..... 22
B3F.....	36	33	T5M..... 20
B4F.....	30	27	T3G..... 24
B5F.....	25	22	T4G..... 22
B3FV.....	33	30	T5G..... 19
B4FV.....	28	26	X1L..... 29
B5FV.....	23	21	X2L..... 26
B1D.....	45	41	X3L..... 23
B2D.....	41	38	X4L..... 21
B3D.....	35	35	X5L..... 19
B4D.....	31	29	X1F..... 29
B5D.....	25	23	X2F..... 26
B3M.....	33	30	X3F..... 23
B4M.....	27	25	X4F..... 21
B5M.....	22	19	X5F..... 19
B3G.....	33	30	X3FV..... 22
B4G.....	27	25	X4FV..... 20
B5G.....	22	19	X5FV..... 18
C1L.....	40	37	X1D..... 30
C2L.....	36	33	X2D..... 26
C3L.....	32	30	X3D..... 22
C4L.....	29	27	X4D..... 20
C5L.....	24	22	X5D..... 17
C1F.....	40	37	X3M..... 20
C2F.....	36	33	X4M..... 18
C3F.....	32	30	X5M..... 15
C4F.....	29	27	X3G..... 20
C5F.....	24	22	X4G..... 17
C3FV.....	30	27	X5G..... 14
C4FV.....	27	25	N1L..... 11
C5FV.....	22	20	N1R..... 11
C2D.....	35	32	N1G..... 11
C3D.....	31	28	
C4D.....	27	25	
C5D.....	23	21	
C3M.....	28	25	
C4M.....	26	24	
C5M.....	22	20	
C3G.....	27	24	
C4G.....	22	20	
C5G.....	20	18	

§ 277.29 1947 crop; Burley tobacco, Type 31, Advance Schedule.¹

[Dollars per hundred pounds]

Grade:	Farm sales weight	Grade:	Farm sales weight
A1L.....	63.12	B5RM.....	19.12
A2L.....	62.12	B3RK.....	28.12
A1F.....	62.12	B4RK.....	24.12
A2F.....	61.12	B3D.....	25.12
A1R.....	50.12	B4D.....	21.12
A2R.....	44.12	B5D.....	17.12
B1F.....	56.12	B3GF.....	28.12
B2F.....	52.12	B4GF.....	24.12
B3F.....	46.12	B5GF.....	20.12
B4F.....	41.12	B3GR.....	23.12
B5F.....	35.12	B4GR.....	21.12
B3FV.....	44.12	B5GR.....	17.12
B4FV.....	38.12	T3F.....	36.12
B3FM.....	42.12	T4F.....	30.12
B4FM.....	36.12	T5F.....	23.12
B5FM.....	28.12	T3FV.....	32.12
B3FK.....	42.12	T4FV.....	26.12
B4FK.....	36.12	T3FM.....	32.12
B1FR.....	44.12	T4FM.....	26.12
B2FR.....	42.12	T5FM.....	21.12
B3FR.....	38.12	T3FK.....	31.12
B4FR.....	32.12	T4FK.....	25.12
B5FR.....	27.12	T3R.....	24.12
B1R.....	37.12	T4R.....	20.12
B2R.....	35.12	T5R.....	16.12
B3R.....	29.12	T3RV.....	22.12
B4R.....	25.12	T4RV.....	18.12
B5R.....	21.12	T3RM.....	22.12
B3RV.....	28.12	T4RM.....	18.12
B4RV.....	24.12	T5RM.....	14.12
B3RM.....	28.12	T3RK.....	22.12
B4RM.....	24.12	T4RK.....	18.12

¹ See footnote on p. 7415.

[Dollars per hundred pounds]

Grade:	Farm sales weight	Grade:	Farm sales weight
T3D.....	20.12	C4RM.....	46.12
T4D.....	16.12	C5RM.....	38.12
T5D.....	14.12	C3RK.....	48.12
T3GF.....	18.12	C4RK.....	45.12
T4GF.....	16.12	C3G.....	34.12
T5GF.....	13.12	C4G.....	28.12
T3GR.....	16.12	C5G.....	22.12
T4GR.....	14.12	X1L.....	60.12
T5GR.....	12.12	X2L.....	59.12
C1L.....	62.12	X3L.....	57.12
C2L.....	60.12	X4L.....	54.12
C3L.....	59.12	X5L.....	44.12
C4L.....	57.12	X1F.....	59.12
C5L.....	50.12	X2F.....	58.12
C1F.....	61.12	X3F.....	56.12
C2F.....	59.12	X4F.....	52.12
C3F.....	58.12	X5F.....	40.12
C4F.....	55.12	X3FM.....	52.12
C5F.....	48.12	X4FM.....	46.12
C3FV.....	54.12	X5FM.....	36.12
C4FV.....	52.12	X3R.....	50.12
C3FM.....	54.12	X4R.....	44.12
C4FM.....	50.12	X5R.....	32.12
C5FM.....	44.12	X3RM.....	44.12
C8FK.....	52.12	X4RM.....	38.12
C4FK.....	50.12	X5RM.....	28.12
C3R.....	52.12	X3G.....	36.12
C4R.....	48.12	X4G.....	30.12
C5R.....	40.12	X5G.....	20.12
C3RV.....	46.12	N1L.....	20.12
C4RV.....	42.12	N1R.....	10.12
C3RM.....	48.12	N1G.....	10.12

§ 277.30 1947 crop; dark air-cured tobacco, Types 35 and 36, Advance Schedule.¹

[Dollars per 100 pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44	Grade
A1F.....	42	37	T3F..... 25
A2F.....	40	35	T4F..... 21
A3F.....	38	35	T5F..... 18
A1R.....	43	38	T3R..... 25
A2R.....	41	38	T4R..... 21
A3R.....	39	36	T5R..... 18
B1F.....	42	39	T3D..... 25
B2F.....	40	37	T4D..... 21
B3F.....	37	34	T5D..... 18
B4F.....	32	30	T3M..... 24
B5F.....	26	24	T4M..... 20
B3FV.....	35	32	T5M..... 17
B4FV.....	30	28	T3G..... 24
B5FV.....	24	22	T4G..... 20
B1R.....	42	39	T5G..... 17
B2R.....	40	37	X1L..... 28
B3R.....	37	34	X2L..... 25
B4R.....	32	30	X3L..... 23
B5R.....	26	24	X4L..... 21
B1D.....	42	39	X5L..... 18
B2D.....	40	37	X1F..... 28
B3D.....	36	33	X2F..... 25
B4D.....	31	29	X3F..... 23
B5D.....	25	23	X4F..... 21
B3M.....	33	30	X5F..... 18
B4M.....	28	24	X3FV..... 22
B5M.....	22	21	X4FV..... 19
B3G.....	33	30	X5FV..... 16
B4G.....	28	24	X1R..... 28
B5G.....	22	21	X2R..... 25
C1L.....	39	36	X3R..... 23
C2L.....	37	34	X4R..... 20
C3L.....	34	31	X5R..... 16
C4L.....	29	26	X3D..... 23
C5L.....	25	22	X4D..... 20
C1F.....	38	35	X5D..... 16
C2F.....	36	33	X3M..... 22
C3F.....	33	30	X4M..... 19
C4F.....	28	25	X5M..... 15
C5F.....	24	21	X3G..... 22
C3FV.....	31	28	X4G..... 18
C4FV.....	26	23	X5G..... 14
C5FV.....	22	20	N1L..... 11
C1R.....	37	34	N1R..... 11
C2R.....	35	32	N1G..... 11
C3R.....	32	29	
C4R.....	27	24	
C5R.....	23	21	
C3M.....	28	25	
C4M.....	23	21	
C5M.....	21	19	
C4G.....	21	19	
C5G.....	20	18	

§ 277.31 1947 crop; Virginia sun-cured tobacco, Type 37, Advance Schedule.¹

[Dollars per 100 pounds, farm sales weight]

Grade	Length 46	Length 44	Grade
A1F.....	45.12	39.12	T3F..... 28.12
A2F.....	42.12	37.12	T4F..... 24.12
A3F.....	40.12	37.12	T5F..... 18.12
A1R.....	43.12	38.12	T3R..... 27.12
A2R.....	41.12	38.12	T4R..... 23.12
A3R.....	39.12	36.12	T5R..... 17.12
B1F.....	40.12	37.12	T3D..... 25.12
B2F.....	38.12	35.12	T4D..... 21.12
B3F.....	35.12	32.12	T5D..... 16.12
B4F.....	31.12	29.12	T3M..... 25.12
B5F.....	26.12	23.12	T4M..... 21.12
B1R.....	39.12	36.12	T5M..... 15.12
B2R.....	37.12	34.12	T3G..... 25.12
B3R.....	34.12	31.12	T4G..... 21.12
B4R.....	30.12	28.12	T5G..... 14.12
B5R.....	24.12	22.12	X1L..... 30.12
B1D.....	39.12	36.12	X2L..... 27.12
B2D.....	36.12	34.12	X3L..... 25.12
B3D.....	31.12	29.12	X4L..... 21.12
B4D.....	26.12	24.12	X5L..... 17.12
B5D.....	20.12	18.12	X1F..... 30.12
B3M.....	30.12	27.12	X2F..... 27.12
B4M.....	25.12	23.12	X3F..... 25.12
B5M.....	19.12	18.12	X4F..... 21.12
B3G.....	30.12	27.12	X5F..... 17.12
B4G.....	25.12	23.12	X1R..... 29.12
B5G.....	19.12	18.12	X2R..... 25.12
C1L.....	39.12	36.12	X3R..... 21.12
C2L.....	37.12	34.12	X4R..... 20.12
C3L.....	34.12	31.12	X5R..... 16.12
C4L.....	29.12	27.12	X3D..... 22.12
C5L.....	25.12	23.12	X4D..... 19.12
C1F.....	38.12	35.12	X5D..... 15.12
C2F.....	37.12	34.12	X3M..... 22.12
C3F.....	34.12	31.12	X4M..... 19.12
C4F.....	29.12	27.12	X5M..... 15.12
C5F.....	25.12	23.12	X3G..... 21.12
C1R.....	37.12	34.12	X4G..... 18.12
C2R.....	35.12	32.12	X5G..... 14.12
C3R.....	32.12	29.12	N1L..... 11.12
C4R.....	27.12	25.12	N1R..... 11.12
C5R.....	23.12	21.12	N1G..... 11.12
C3M.....	28.12	25.12	
C4M.....	23.12	21.12	
C5M.....	19.12	17.12	
C4G.....	21.12	19.12	
C5G.....	18.12	16.12	

[SEAL] JESSE B. GILMER,
President,
Commodity Credit Corporation.

NOVEMBER 7, 1947.

[F. R. Doc. 47-10097; Filed, Nov. 13, 1947;
8:59 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

PART 366—FARMS

PART 367—LOAN PROCESSING

MISCELLANEOUS AMENDMENTS

1. Part 366, "Farms" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter G) is amended by adding § 366.61 as follows:

§ 366.61 *Title clearance: general provisions*—(a) *General*. Title I of the Bankhead-Jones Farm Tenant Act, as amended, requires that each loan made or insured thereunder be secured by a first mortgage or deed of trust covering the farm. Two methods of title clearance are used in the Farm Ownership program:

(1) *Title insurance*. If title insurance and services are available under an approved proposal covering the locality in which the loan is to be made, title insurance and services as provided in the proposal will be obtained by sellers of

farms and Farm Ownership borrowers. However, title insurance will not be required if the farm with respect to which title examination is needed consists entirely of land being sold by the Department of Agriculture, or land which is subject to a first mortgage or deed of trust held by the Farmers Home Administration, which will not be released in connection with the transaction. The State Director may, upon advice and instructions from the representative of the Office of the Solicitor, accept certificates of title deemed by that Representative to be legally satisfactory for purposes of title clearance in lieu of title insurance.

(2) *Examination of abstracts.* If suitable title insurance services are not available in the locality, and for the types of cases in which title insurance will not be used, title clearance will be through examination of abstracts, or certificates of title, by a representative of the Office of the Solicitor.

(b) *Services of title insurers and abstracters.* Sellers and borrowers will have the unrestricted privilege of selecting from among approved title insurers and abstracters the ones whose services they desire. No employee or any other person connected with the Farmers Home Administration will directly or indirectly instruct or encourage any seller or borrower to obtain title insurance or abstracts from any particular one of the several approved sources. Application for title insurance with a particular insurer may, however, depending upon regulations of the insurer, necessitate use by the applicant of abstracting, surveying, and other services acceptable to the insurer.

(c) *Responsibility for title clearance charges.* No representative of the Farmers Home Administration has the authority to obligate the Government for the payment of charges which may be claimed by any title insurer, attorney, abstractor, surveyor, or other party for services, or otherwise to commit the Government to liability in connection with title clearance. Such parties must look for payment solely to sellers and borrowers by whom requests for services will be made. Farm Ownership loans, when made, may include amounts to cover those title clearance services which are chargeable to the borrowers. However, if for any reason the loan to a prospective borrower is not closed, no liability is assumed by the Government to pay for any title clearance services which may have been rendered in connection with the prospective loan.

(d) *Arrangements with title insurers.* Existing arrangements with title insurers which heretofore have been approved on behalf of the Government by the Farm Security Administration, the Office of the Solicitor, or the Farmers Home Administration will remain in force and effect until such time as they are cancelled by the Farmers Home Administration or by the insurers, or until superseded by arrangements effected pursuant to this paragraph. Further arrangements with title insurers will be adopted in accordance herewith.

(1) *Negotiations with State Director.* The State Director is authorized to ne-

gotiate with title insurers who may wish to furnish title insurance and services in connection with Farm Ownership loans. The State Director will request the insurer to submit its proposal, in duplicate, on Form FHA-136, "Title Insurance Proposal." Separate forms for each State in which the insurer proposes to furnish services will be needed if the jurisdictional area of the State Director includes more than one State. If Form FHA-136 cannot be used because of local laws or conditions, see subparagraph (3) of this paragraph. The representative of the Office of the Solicitor will render assistance to the State Director regarding legal matters in connection with negotiations, but the actual negotiations will be directly between the State Director and the title insurer.

(2) *Standard proposals; acceptance by State Director.* The State Director will accept on behalf of the Farmers Home Administration all proposals received from title insurers if the following conditions exist:

(i) The proposal is submitted on Form FHA-136 with no revisions, deletions, or other modifications except as permitted herein.

(ii) The title insurer is served in the areas covered by the proposal by representatives who are authorized to carry out the provisions of the proposal, and the insurer is licensed to do business in the particular State or legally is permitted to transact business within the State covered by the proposal.

(iii) The title insurer will issue the standard LIC (Life Insurance Company) or the revised ATA (American Title Association) form of mortgagee's title insurance policy, or will issue the standard form of "combination policy," which covers both the interests of the mortgagee and the interests of the borrower as owner.

(iv) Basic rates and additional charges, if any, for mortgagee's policies are set forth in the style indicated by part I, section 1, and part I, section 4, respectively, of Form FHA-136, whether or not combination policies are offered; and such rates are found by the State Director to be reasonable and the lowest rates which can be secured by negotiation.

(v) Rates for owners' policies are set forth in the manner indicated by part II, section 1 (if combination policies are offered there may be supplied in part I, section 1, an additional column showing rates, based on amount of insurance, applicable to combination policies), and such rates are found by the State Director to be reasonable and the lowest rates which can be secured by negotiation. If the insurer offers to issue owners' policies in the same amount as the mortgage insurance in Farm Enlargement and Farm Development cases, the proviso following the semicolon in the first paragraph of part II, section 1, should be stricken.

(3) *Other forms of proposals.* Proposals of title insurers which do not meet the requirements of subparagraph (2) of this paragraph, together with all pertinent correspondence, shall be referred

by the State Director to the National Office for consideration and action.

(i) If, because of local laws or conditions, Form FHA-136 cannot be used, a proposal which meets the requirements of such laws or conditions, and which conforms as nearly as practicable to the Farmers Home Administration standards contained in Form FHA-136, may be formulated by the insurer and State Director and referred to the National Office.

(ii) If local laws or conditions do not preclude the use of Form FHA-136, but the title insurer, after negotiations with the State Director, wishes to offer a proposal which does not conform with subparagraph (2) of this paragraph, the proposal desired by the insurer will be referred to the National Office.

(4) *Supervision by National Office.* The State Director will keep the National Office currently informed concerning arrangements and problems relating to title insurance. Referrals will be to the National Office, Attention: Farm Ownership Division.

(i) One copy of each standard proposal accepted by the State Director will be forwarded to the National Office.

(ii) If the State Director believes that the rates proposed to be charged by title insurers in a particular area under his jurisdiction are not commensurate with the services offered, he shall negotiate for lower rates. If reasonable rates cannot be obtained, or if for any other reason it appears that title clearance should be handled in the area without title insurance, he will make a complete report to the National Office, so that consideration may be given to establishing other arrangements for title clearance.

(iii) All instances which involve deviation from arrangements established under Form FHA-136, or proposed changes in administrative policy, interpretation of insurance policies or contracts, debatable loss cases, unusual problems, or difference of opinion with title insurers will be referred to the National Office.

(e) *Arrangements with abstracters.* Existing arrangements with abstracters and companies heretofore approved to supply abstracting services or certificates of title in connection with programs of the Farm Security Administration and the Farmers Home Administration are not superseded by this section. The State Director is authorized to communicate with other abstracters and companies operating within his jurisdictional area. Upon determining that any such additional abstractor or company is able to furnish services consistent with efficient program administration and in conformity with legal standards recommended by the Office of the Solicitor, the State Director will advise the appropriate County Supervisor to include the name of the abstractor or company on the list of approved sources from which sellers and borrowers make their selections.

(f) *Surveys.* The State Director, acting upon advice from the representative of the Office of the Solicitor, will determine whether surveys of farms will be required. As a general rule, a survey will be required only if necessary to establish facts which relate to adequacy

of the title to the farm, including the improvements thereon.

(g) *Title defects.* If title examination discloses defects which require more than simple curative material, or which under the approved plans for the loan are not to be removed with loan funds in connection with closing, the representative of the Office of the Solicitor will inform the State Director of the legal implications thereof. If the defect consists of an outstanding lease or agreement which was not noted in the option and which involves such matters as minerals, timber, naval stores, or use of land for public rights-of-way, the State Director may approve taking of a mortgage or deed of trust subject to the lease or agreement if he determines that the lease or agreements will not prevent the farm from being an efficient family-type farm and is not otherwise objectionable. However, in such cases, the prospective borrower must be informed of the circumstances and an equitable adjustment in the purchase price should be obtained. Also, recertification of the farm and the applicant by the County Committee will be necessary, together with appropriate changes in loan instruments already prepared.

(h) *Types of estates.* If possible under State law, titles to farms which secure Farm Ownership loans shall be conveyed to or held by borrowers, if married, as estates with survivorship rights, except in those cases in which (1) the wife is a minor and cannot, under State law, enter into a binding contract for all purposes, or (2) the wife is not a citizen of the United States. Where the wife is an alien or incapable of contracting because of minority disability, the conveyance will not be made to the husband and wife, but the State Director may, upon determination in each case that the status of the wife will not affect the soundness of the loan, approve a conveyance to the husband alone. Where necessary to effect changes in the title to land owned by a borrower so as to create an estate with survivorship rights, the representative of the Office of the Solicitor will issue appropriate instructions and prepare the required legal instruments. Expenses of recording should be paid by the borrowers and may be paid out of the service fee.

2. Part 367, "Loan Processing" in Chapter III of Title 6, Code of Federal Regulations (12 F. R. 3593) is amended by adding §§ 367.2 and 367.5 as follows:

§ 367.2 *Insured loans; County Office routine.*—(a) *Preliminary submission of option.* Except for insured Farm Development loans, the original of the option will be forwarded to the State Office as soon as it has been signed by the seller. When the option is returned to the County Office, it will be held in the applicant's file, unless corrections are indicated and resubmission is required. The option, together with the letter of approval from the representative of the Office of the Solicitor, will be placed in the original loan docket when it is finally assembled.

(b) *Special items in execution and preparation of forms.* On all copies of all forms there will be inserted, where

space is provided therefor, the name of the State and County in which the farm to be purchased, enlarged, or developed is situated. The case number will be inserted by the County Office in the space provided if the applicant has a Farm Security Administration or Farmers Home Administration case number. If the applicant has not previously been assigned such a case number, only the State and County code symbols will be inserted. The word, "Veteran" or "Non-Veteran," whichever is applicable, will be typed or stamped above the heading on all copies of all forms. In the case of a disabled veteran purchasing a farm which is less than an efficient family-type farm-management unit, the words, "Disabled Veteran," will be used. "Insured Loan" will be typed or stamped in a conspicuous place at the top of all forms in an insured loan docket.

(1) Form FHA-358, "Agreement by Applicant for Insured Loan." The applicant, his wife, and the County Supervisor will sign the original and one copy of Form FHA-358. The County Supervisor will delete the inapplicable paragraph appearing in his certification on the reverse of the form.

(2) Form FHA-359, "Borrower-Insurer-Lender Triple Agreement." When it is evident that the applicant will qualify for an insured loan, section I of Form FHA-359 will be prepared and the name of the applicant and his wife will be typed below the lines for their signatures. The applicant and his wife will sign the original of Form FHA-359 in the presence of two witnesses, who will sign their names attesting the execution. If the name of the lender is not known at the time section I is executed, it may be inserted when the commitment to loan is executed by the lender. The lender will sign Form FHA-359 subsequent to the applicant and prior to acceptance of the option.

(3) Form FHA-360, "Promissory Note (Insured Loan)." The name of the lender will be inserted on Form FHA-360 by the County Supervisor when section III of Form FHA-359 is executed. The date of the promissory note, the amount of the first installment, and the year in which the first installment will become due will be left blank. The remainder of the form, including typing the name and address of the applicant, will be completed by the County Supervisor. The amount of each of "the next succeeding 39 installments" to be inserted will be 3.984 percent of the sum inserted as the total loan. The original note (white copy) will be signed by the applicant and his wife at the time of loan closing. Blue copies of Form FHA-360 will be used for all copies except the original. Prior to the date of loan closing the County Supervisor will explain to the applicant that the amount of the first installment may be less but not more than a regular installment.

(4) Form FHA-491, "County Committee Certification." At least two of the three County Committeemen will sign the original only of Form FHA-491. The original and copy of the form will be dated as of the date of certification. Under items 5 and 9, the inapplicable

language will be deleted. The total amount of the insured loan will be inserted under item 9B.

(5) Form FHA-476, "Transmittal and Flow Sheet." On Form FHA-476 under "Source of Funds" in the upper right corner, a check will be placed in the space provided to identify the loan as "Insured." Under "Type of Submission," a check will be placed in the space provided to identify the loan as initial. The loan type will be identified by checking the appropriate type of loan.

(c) *Execution of informal agreement.* Prior to obtaining an insured Farm Ownership loan, each applicant and his wife will be required to sign Form FHA-317, "Agreement." This informal agreement with the Farmers Home Administration sets forth obligations which the applicant and his wife assume when they accept an insured loan. Its purpose is to give the applicant and his wife a clear understanding of what is expected of those who obtain Farm Ownership loans, and it should be signed by them with full knowledge of what it contains. Form FHA-317 will be signed in duplicate not later than the signing of Form FHA-358, "Agreement by Applicant for Insured Loan." The original will be retained by the applicant, and the copy will be placed in the County Office file. The County Supervisor will sign as representative of the Farmers Home Administration.

(d) *Preparation and distribution of insured loan docket.* (1) The County Supervisor will assemble the insured loan docket when the County Committee has signed Form FHA-491.

(2) The insured loan docket will be checked thoroughly in the County Office to determine whether the requirements with respect to mechanical accuracy have been met fully.

(e) *Action by State Field Representative.*—(1) *Authority.* The State Field Representative is hereby authorized to approve or disapprove initial insured Farm Ownership loans and to execute a commitment to insure such loans in accordance with Farmers Home Administration procedures, except that individual loans in connection with a subdivision will not be approved until prior approval of the subdivision has been received from the State Office. The State Director is also authorized to approve or disapprove initial insured Farm Ownership loans and to execute commitments to insure in connection therewith in accordance with Farmers Home Administration procedures.

(2) *Analysis of loan.* It is the responsibility of the State Field Representative to determine that the applicant is eligible, that each loan is sound, and that there is a reasonable likelihood that the family will be successful on the farm. Before approving any insured Farm Ownership loan, he will make a comprehensive and objective analysis of the loan, utilizing all available information regarding the family, the farm, and the plans of operation. He will also check the docket forms for mechanical accuracy. Special attention will be necessary with respect to applications for insured Farm Ownership loans to disabled veterans who desire to purchase less than efficient family-type farm-management

units. Before loan approval, these applications should be examined carefully and determinations should be made in accordance with §§ 365.1 and 366.1 of this chapter.

(3) *Check of loan limits.* For all insured loans, the State Field Representative will ascertain that:

(i) The total proposed investment in the farm does not exceed the county loan limit.

(ii) The total proposed investment in the farm does not exceed the fair and reasonable value of the farm as certified by the County Committee.

(iii) The fair and reasonable value of the farm as certified by the County Committee does not exceed the average value of efficient family-type farm-management units established for the county as specified in paragraph (b) in § 364.11 of this chapter.

(iv) The loan does not exceed ninety percent (90%) of the fair and reasonable value of the farm, as certified by the County Committee, or ninety percent (90%) of the total investment in the farm whenever it is the lesser.

(4) For all insured loans to veterans, the State Field Representative will check the evidence of discharge or release, and attach it to the loan approval letter provided in subparagraph (5) (ii) of this paragraph, for the County Office copy of the loan docket. In the case of a veteran with pensionable disability, he will check also the written evidence of disability to verify the amount of and the reason for the pension.

(5) *Approval of loan and notification to County Supervisor.* (i) It is intended that approval or disapproval of loans by the State Field Representative generally will be based upon an "on-the-ground" review. The ordinary practice, therefore, will be for the State Field Representative to pass upon the loan in the County Office after visiting the farm and family. There may be circumstances, however, which make it unnecessary for the State Field Representative to pass upon loans in the County Office. When justified, the State Director may authorize the State Field Representative to have insured Farm Ownership loan dockets mailed for review, and for execution of commitments to insure.

(ii) When the loan is approved, the State Field Representative will sign the original and one copy of Form FHA-643, the original of Form FHA-358, and will initial Form FHA-476. He will also sign the commitment to insure on FHA-359 even though a lender may not have signed the commitment to loan. In exceptional cases, such as when Form FHA-359 has been sent to the lender and is not available on the date of loan approval, the State Field Representative may sign the form at a later date. If the lender is local, it might be expedient for the applicant or County Supervisor to obtain the signature of the lender before the State Field Representative reviews the docket. When the loan is approved by the State Field Representative he will furnish the County Supervisor with a letter tentatively approving the loan and, except for an insured Farm Development loan, authorize him to notify the applicant to accept the option after the com-

mitment to loan is executed by the lender. The original loan docket then will be forwarded to the State Office.

(iii) If the loan is disapproved, the State Field Representative will return the loan docket to the County Supervisor with a letter explaining the reasons for disapproval and giving appropriate suggestions for correction, if possible. When a loan is finally disapproved the County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor. If the lender previously has signed the commitment to loan on Form FHA-359, the County Supervisor will also notify the lender in writing.

(f) *Accepting option and ordering title insurance.* When Form FHA-359 has been fully executed and the County Supervisor has been notified by the State Field Representative of the tentative approval of an insured Tenant Purchase loan or Farm Enlargement loan, the County Supervisor will prepare the acceptance of option letter, Form FHA-191, "Acceptance of Option (Vendor to furnish Abstract)" or Form FHA-191B, "Acceptance of Option (Vendor to furnish Title Insurance)," in an original and two copies, if the applicant intends to proceed with the loan as planned. The original of the option acceptance letter will be signed by the applicant, and by his wife if she is named in the option, and mailed to the seller. One copy will be forwarded to the State Office and one copy retained in the County Office. If it is necessary that the seller submit a deposit for furnishing an abstract in connection with placing the order for title insurance, information to that effect will be added to the option acceptance letter, and it will be the responsibility of the County Supervisor to see that the necessary action is taken by the seller. The signed application for title insurance will be removed from the file, "Insured Loan" will be typed or stamped on the application, and it will be transmitted by the County Supervisor to the local representative of the title insurance company or to the office of the company, whichever is customary.

(1) On the copy of the option acceptance letter which is forwarded to the State Office, the County Supervisor will indicate:

(i) The total amount of the loan and the name of the lender.

(ii) The date of mailing the title insurance application.

(iii) The name of the title insurance company.

(2) Omit items in subparagraphs (1) (i) and (1) (iii) of this paragraph, if title insurance is not used, and indicate the date the abstract, or extension thereof, was ordered.

(3) In the case of an insured Farm Development loan, the signed application for title insurance will be transmitted to the local representative of the title insurance company or the office of the company when Form FHA-359 is fully executed. The information required by subparagraph (1) of this paragraph, will be forwarded to the State Office by separate letter.

(g) *Cancellation of loan.* If an applicant requests that his loan be canceled

or if it becomes necessary for the State Director to order cancellation of an insured loan after a lender has signed the commitment to loan on Form FHA-359, the County Supervisor will furnish the lender with a letter outlining briefly the circumstances that prohibit closing of the loan and advising that Form FHA-359 has been canceled. If the docket has been submitted to the State Office, copies of the letter will be sent to the State Office and to the Area Finance Office. Any funds advanced for the account of the applicant will be returned promptly to the lender by returning the check.

(h) *Reduction in amount of loan or increase in amount of loan.* If the original estimate for an insured loan is found to be too high or too low after a lender has signed a commitment to loan on Form FHA-359, the original Form FHA-359 will be returned to the lender with a request that a new Form FHA-359 for the reduced or increased amount be executed. Upon receipt of the new commitment to loan on the new Form FHA-359, all copies of the previous Form FHA-359 for the original amount of the loan will be destroyed. If a check in the amount of the original estimate has been issued, it will be returned to the lender and a new check for the reduced or increased amount requested. The original and all copies of the old Forms FHA-369, FHA-358, FHA-643, and FHA-491 will be destroyed and new copies of these forms will be prepared for the reduced or increased amount of the loan. The County Committee and the State Field Representative will review the new Forms for approval or disapproval of the revised loan.

(i) *Loss by fire between acceptance of option and closing of loan.* If there is an unreplaced loss or damage to the optioned property by fire or other casualty between the date of the option and the closing of an insured Tenant Purchase loan or Farm Enlargement loan, the following actions may be taken:

(1) The borrower may accept conveyance of title, provided the purchase price is adjusted adequately to compensate for the loss. This adjustment should be in writing and should be submitted to the State Director, who will determine (i) that the farm and home plans are not affected adversely, and (ii) that the adjustment is sufficient to enable the borrower by means of the initial loan to purchase the land and to repair or replace the damaged or destroyed buildings. In the event the proposed adjustments require a substantial increase in the amount of the loan for repairs and construction and a smaller amount for the purchase price of the land, the State Director will request another certification by the County Committee on Form FHA-491. If the loss results in a change in the amount of loan funds needed, see paragraph (h) of this section.

(2) When adjustments cannot be made on the above basis, the borrower should refuse to accept conveyance under the terms of the option.

(j) *Occupancy of farms by tenant purchase and farm enlargement borrowers.* The acceptance of the option makes the sale of the farm conditional upon delivery of satisfactory title by the

seller. When the acceptance of option letter, Form FHA-191 or Form FHA-191B, has been mailed to the seller, the borrower will arrange to occupy and operate the farm as soon as practicable, under the circumstances described in either subparagraphs (1) or (2) of this paragraph.

(1) *Possession between acceptance of option and closing of loan.* When it is desirable for the borrower to start farming operations in the period between acceptance of the option and closing of the loan, he may lease the farm from the seller by using Form FHA-189, "Short-term Lease of Optioned Land." This lease adjusts the rent to be paid by the borrower to that portion of the crop year during which the seller retains title to the farm, and provides for payment by the seller of maintenance costs during the same period. Provisions for proration of taxes are contained in the option, Form FHA-188A or Form FHA-188B, which also contemplates that any insurance coverage prior to conveyance is a responsibility of the seller.

(2) *Possession after closing of loan.* In the event the borrower cannot occupy the farm during the crop year in which the loan is closed, an understanding should be reached with the seller regarding rents, right of entry, and other pertinent questions in connection with loan closing. In cases where the seller is to remain on the farm, Form FHA-198, "Short-Term Lease (Between Purchaser and Seller)" shall be executed. In cases where the seller desires to reserve certain rights, Form FHA-129, "Temporary Cropping License," shall be executed. In cases where a tenant is occupying the farm and will not give possession, Form FHA-199, "Agreement (Between Seller, Purchaser, and Tenant)" should be executed.

(3) *Preparation of forms.* Forms FHA-189, FHA-129, and FHA-198 will be prepared and signed in an original and three copies. The original will be retained by the seller, one copy will be retained by the borrower, one copy will be filed in the County Office loan docket, and one copy will be sent to the State Office to be filed in the borrower's case file. Form FHA-199 will be prepared and signed in an original and four copies. The original and three copies will be distributed in the same manner as Form FHA-189 and one copy will be retained by the tenant.

(k) *Closing of the loan.* (1) No insured Farm Ownership loan will be closed until closing instructions have been received from the representative of the Office of the Solicitor. No insured Farm Ownership loan will be closed until the County Supervisor is thoroughly convinced that the applicant definitely intends to live on and personally operate the farm in accordance with his agreements.

(2) *Ordering of check:* When the County Supervisor receives closing instructions from the representative of the Office of the Solicitor and the endorsed promissory note (or bond) from the State Office, the County Supervisor will notify the lender of the proposed date of loan closing and will request that the bor-

rower's check be made available to the borrower on that date. In cases where it appears probable that the bank handling the supervised account will require a lender's personal check to clear before loan closing checks can be issued, the lender should be requested to furnish a certified check. The lender or his representative may present the check at the time the loan is closed, or, if the check is to be mailed to the County Supervisor, it should be addressed as follows: "Care of _____, County Supervisor, Farmers Home Administration, _____" (County office address)

(3) *Deposit of check:* The check issued to the borrower will be deposited in a supervised bank account not earlier than the date of loan closing.

(4) In a case where title insurance is used, a check for the amount due the seller on the purchase price will be drawn by the borrower, countersigned by the County Supervisor, and given to the local representative of the title insurance company for delivery to the seller at the proper time in the closing of the loan. In a case where title insurance is not available, the closing instructions from the representative of the Office of the Solicitor will include advice to the County Supervisor as to payment to the seller.

(5) *Collection of appraisal fee and initial mortgage insurance charge:*

(i) It is the responsibility of the County Supervisor to collect the appraisal fee from the applicant at the time of loan closing. When the appraisal fee is collected, the County Supervisor will issue Form FHA-37, "Receipt for Payment," and will write "Appraisal Fee Payment" across the first four columns of line one in the application block of the receipt and will enter the amount of the appraisal fee in the appropriate column.

(ii) At the time of loan closing, the County Supervisor will also collect from the applicant the initial mortgage insurance charge. The amount of such charge will be one percent of the principal amount of the loan and must be paid from the applicant's personal funds. The County Supervisor will include the amount of this charge on the same Form FHA-37, "Receipt for Payment," prepared for the appraisal fee payment, by entering immediately beneath the appraisal fee payment, "Mortgage Insurance Payment." The amount will be entered in the appropriate column.

(6) In cases in which income is to be received by the borrower from a mineral lease or other existing agreement pertaining to the property at the time of purchase, the State Director will determine the percentage or share of the income which equitably should be paid as "extra" payments on the loan. Form FHA-253A, "Assignment of Income from Property to be Mortgaged," will be prepared in an original and three copies and executed by the borrower and his wife in an original and two copies at the time of loan closing. The original will be forwarded to the State Office and the executed copies will be sent to the lessee with the request that one copy be signed and returned to the County Office. Upon

receipt of the copy signed by the lessee, the County Supervisor will forward it to the State Office. The remaining copy should be retained in the County Office loan docket. If he deems it advisable, the State Director, upon advice of the representative of the Office of the Solicitor, may require the acknowledgment and recordation of the assignment. Any cost incident thereto shall be borne by the borrower. At the time Form FHA-253A is executed, appropriate notations will be made on Form FHA-473, "Area Guide Card," to insure that the proceeds, or the specified portion of the proceeds, from the transaction are remitted at the proper time.

(7) The amount of the first installment on the loan and the year in which it will become due will be inserted on Form FHA-361, "Notification of Closing Insured Loan," on the date the borrower and his wife sign the mortgage (or deed of trust) and the mortgage (or deed of trust) is filed for record. The due date of the first installment will be the first March 31st following the date of the loan closing. The amount of the first installment, not to exceed 3.984 percent of the loan, will be agreed upon mutually by the County Supervisor and the borrower, taking into consideration the borrower's financial circumstances, and the extent to which he will receive income from the farm during the calendar year preceding the date of the first installment. Whenever possible, the first installment should be not less than the interest that will accrue on the loan from the date of closing to the next March 31st. In special cases, however, where the borrower will not have income from his farm during the calendar year preceding the first due date, a nominal payment of less than the interest may be accepted. The County Supervisor should advise the borrower, in the event of disagreement, that it is the duty of the County Supervisor to determine the amount of the first installment based on the foregoing conditions.

(8) When the closing instructions from the representative of the Office of the Solicitor include a recommendation that a homestead declaration be filed, the County Supervisor will inform the borrower accordingly and see that he thoroughly understands the advantages as outlined by the representative of the Office of the Solicitor. In the event the borrower elects to file a homestead declaration, the County Supervisor will assist him in taking the necessary steps.

(9) For purposes of the Farm Ownership program, an insured Tenant Purchase loan or an insured Farm Enlargement loan is considered closed when the deed and mortgage (or deed of trust) are filed for record. An insured Farm Development loan is considered closed when the mortgage (or deed of trust) is filed for record.

(10) When the insured mortgage (or deed of trust) is recorded, the County Supervisor will transmit the recorded mortgage (or deed of trust) to the representative of the Office of the Solicitor. If, in the opinion of the representative of the Office of the Solicitor, the mortgagor has satisfactory title and the mort-

gage (or deed of trust) is a first mortgage (or deed of trust) he will transmit the mortgage (or deed of trust) to the State Director for delivery to the lender (mortgagee)

§ 367.5 *Insured loans; State and Area Finance Office routine.*—(a) *State Office review of option.* When the option is received in the State Office from the County Office, it will be forwarded to the representative of the Office of the Solicitor. The representative of the Office of the Solicitor will indicate his approval and/or necessary corrections and return the option to the State Office.

(1) If the option does not propose to convey all mineral rights to the borrower, the representative of the Office of the Solicitor will advise the State Director of the facts in the case. The State Director will review such an option in accordance with § 366.2 of this chapter, and will indicate his determination by appropriate notations on the option opposite the mineral stipulation such as "acceptable" or "additional information required." The State Director will return the option to the appropriate County Office, together with a copy of the letter, if any, from the representative of the Office of the Solicitor, outlining any necessary corrections.

(2) Where title insurance is not available, an abstract of title is required. The representative of the Office of the Solicitor will communicate with the County Supervisor relative to assembling the abstract, which will be forwarded by the County Supervisor to the representative of the Office of the Solicitor for review.

(b) *Endorsement of promissory note (or bond) for insurance.*

(1) The State Director is authorized to endorse promissory notes (or bonds) for mortgage insurance as herein provided.

(2) Prior to signing the "Insurance Endorsement" on Form FHA-360, "Promissory Note" (or Form FHA-360A, "Bond") the State Director will ascertain that the amount of the loan submitted for endorsement is within the loan insurance authority allotted to the State.

(3) In cases where the preliminary title report shows title subject to a lease or other agreement affecting such interests as oil, or other mineral rights, or the sale of timber, stone, gravel, naval stores or land for public rights-of-way, and such leases or agreements previously have not been brought to the attention of the State Director, the representative of the Office of the Solicitor will advise the State Director of their existence and the legal implications thereof. If the State Director finds that the outstanding leases or agreements will not prevent the farm from being an efficient family-type farm-management unit and are not otherwise objectionable, he may consent to the taking of a first mortgage (deed of trust) subject to the leases or agreements.

(4) When the representative of the Office of the Solicitor reviews the title insurance company's interim binder, or the abstract of title, and determines that the title is satisfactory, or that a satisfactory title can be secured, he will no-

tify the State Director and forward closing instructions to the County Supervisor. Upon receipt of this preliminary determination from the representative of the Office of the Solicitor, and notice from the Area Finance Office that the docket forms submitted for review are satisfactory, the State Director will sign the "Insurance Endorsement" on the original promissory note (or bond), omitting the date of the endorsement. The County Supervisor is responsible for entering the effective date of the insurance endorsement on the date the loan is closed. The endorsed promissory note (or bond) will then be forwarded to the County Supervisor.

(c) *Cancellation of loan.* Upon receipt of notification that an insured Farm Ownership loan has been cancelled, all docket forms incident to the insured loan will be returned to the County Supervisor for cancellation.

(d) *Routines subsequent to closing insured loan.* (1) The original of Form FHA-361, when received in the Area Finance Office, will be the authority for the establishment of the official borrower's account. There will also be established in the Area Finance Office such subsidiary accounts for the recording of the appraisal fee, initial mortgage insurance charge, and the annual mortgage insurance charges as may be required. It will be the responsibility of the Area Finance Office to distribute the amounts received for these various charges in accordance with the provisions of section 12 (d) and (e) of Title I of the Bankhead-Jones Farm Tenant Act, as amended.

(2) The filing of a homestead declaration will be optional with the borrower, except in those states where the establishment of homestead exemptions is advisable. The representative of the Office of the Solicitor in his closing instructions will include an enumeration of the advantages to be derived by the borrower, as well as all other pertinent information, including the cost of filing and other expenses and a summary of the procedure to be followed by a borrower who desires to file a homestead declaration under the particular state law.

(3) When the representative of the Office of the Solicitor has reviewed the recorded mortgage (deed of trust) and has determined that the insured loan has been properly closed and the lender has obtained a first mortgage (deed of trust) on the farm, he will advise the State Director accordingly and will send the recorded mortgage (deed of trust) to the State Director for delivery to the lender (mortgagee) (60 Stat. 1062; Order, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520, 7 CFR, Supp. 1946, 524)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

OCTOBER 29, 1947.

Approved: November 10, 1947.

N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-10093; Filed, Nov. 13, 1947;
8:52 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 12—DELEGATION OF AUTHORITY

TERMINATION OF DUTY-FREE ADMISSION OF WAR MATERIALS PURCHASED BY CERTAIN AGENCIES

CROSS REFERENCE: For order terminating the authority delegated to the Secretary of Commerce by Executive Order 9768 and affecting the text of § 12.11, see Executive Order 9903 under Title 3, *supra*, concerning the termination of duty-free admission of war materials purchased by certain agencies.

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: POLICY

OCCUPANCY BY PROJECT EMPLOYEES

Part 611 (11 F. R. 177A-910) is hereby amended, effective upon publication in the FEDERAL REGISTER, by adding § 611.9 thereto as follows:

§ 611.9 *Occupancy in low-rent housing developments by project employees.* It is the policy of the PHA that the number of local authority employees whose duties are such that they are required to live in low-rent developments shall be kept to the absolute minimum necessary to promote efficiency and economy of operation, or to provide necessary services at unusual or irregular hours or in the event of emergencies. Each local authority shall obtain approval of the PHA area director before adopting a policy requiring more than one employee on developments of 200 units or less or more than one operating or maintenance employee plus one management employee in developments of more than 200 units. (50 Stat. 888; 42 U. S. C. 1401)

Approved: November 5, 1947.

D. S. MYER,
Commissioner.

[F. R. Doc. 47-10072; Filed, Nov. 13, 1947;
8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter E—Export Control

[Amdt. 363]

PART 822—CONSOLIDATED LICENSE FOR EXPORTATION OF CERTAIN IRON AND STEEL PRODUCTS

CLEARANCE FOR EXPORT

Section 822.2 *Clearance for export* is amended in the following respects:

Paragraph (a) is amended to read as follows:

(a) The provisions of § 801.7 of this subchapter shall apply to exportations under any consolidated license for exportation of iron and steel products, *Pro-*

vided, That in lieu of the original license an exporter may present a photostatic copy thereof. In addition to presentation of the original license or photostatic copy, an exporter making an exportation under the consolidated license for iron and steel products shall present to the United States Collector of Customs at the port of exit a Shipper's Export Declaration bearing the symbol "CL" and the number of the consolidated license pursuant to which such exportation is made.

This amendment shall become effective immediately.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671, 59 Stat. 270; 60 Stat. 215; Pub. Law 145, 80th Cong., Pub. Law 188, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245.)

Dated: November 7, 1947.

FRANCIS MCINTYRE,
Director
Export Supply Branch.

[F. R. Doc. 47-10082; Filed, Nov. 13, 1947;
8:50 a. m.]

Chapter XIV—War Contracts Price Adjustment Board

PART 1607—FORMS FOR RENEGOTIATION

SUBPART C—FORMS RELATING TO TAX CREDIT AND RENEGOTIATION REBATE

NOVEMBER 10, 1947.

Section 1607.736 is amended to read as follows:

§ 1607.736 *Forms relating to renegotiation rebate.* [RR 736]

§ 1607.736-1 *Forms for claim of net renegotiation rebate.*¹

Budget Bureau No. 49R267.1
Approval expires 31 Dec. 1947

WAR CONTRACTS PRICE ADJUSTMENT BOARD,
Room 3B 743, The Pentagon,
Washington 25, D. C.

1. In accordance with subsection (a) (4) (D) of the Renegotiation Act, and the regulations promulgated thereunder by the War Contracts Price Adjustment Board, the undersigned claims a net renegotiation rebate, and in support thereof the following facts are submitted:

(a) Name and address of claimant:

(b) Fiscal year to which claim relates -----
(Ended)

(c) Amount of gross renegotiation rebate -----

(d) Original Renegotiation Settlement: Pursuant to Agreement No. ----- (or order) dated ----- executed on behalf of the United States by ----- and de- (Name, title, department or service) terminating excessive profits pursuant to the Renegotiation Act, the undersigned agreed (or was directed) to eliminate excessive profits in the amount of \$----- for the fiscal year or period -----.

¹ All claims and supporting documents must be filed in duplicate.

Such excessive profits, together with accrued interest thereon, if any, have been eliminated by:

(a) Tax credit under section 3806 of the Internal Revenue Code in the amount of \$-----

(b) Payment to the United States by:

Checks made out to Amount Date of payment

2. *Supporting documents.* In support hereof, claimant submits the following documents which are incorporated and made a part of this claim:

(1) Statement by Internal Revenue Agent in Charge showing total amount of amortization deduction allowed for the fiscal year upon the recomputation made pursuant to section 124 (d) of the Internal Revenue Code in connection with the determination of taxes for such fiscal year.¹

(2) Schedule A (revised) and subschedules.

(3) Schedule B and subschedules.

(4) (Other.)

(5)

(6)

(Name of claimant)

By -----

(Title of authorized official)²

CERTIFICATION *

I hereby certify that the facts set forth herein and in the appended schedules and statements are true and correct to the best of my knowledge, information and belief.

(Title of officer authorized to executed claim)²

(Date)

§ 1607.736-2 *Schedules to be attached to claim for net renegotiation rebate.*

Budget Bureau No. 49R267.1
Approval expires 31 Dec. 1947

SCHEDULE A (REVISED)

(To be attached to claim for Net Renegotiation Rebate)

Name of claimant -----
Address -----
Fiscal year to which claim relates (ended) -----

¹ A recomputation of amortization in connection with a tentative adjustment of taxes made in accordance with subsections (j) and (k) as added to section 124 of the Internal Revenue Code by the Tax Adjustment Act of 1945 does not constitute a recomputation of amortization made in connection with a determination of the Contractor's taxes for the taxable year for the purposes of the Renegotiation Act. In requesting the statement of the amount of the recomputed amortization to be used for purposes of this claim, the form letter set forth in paragraph 736.3 of the Renegotiation Regulations should be used.

A claim filed by a corporation must be executed by an authorized officer of corporation. For procedure for filing and execution of claims by partnerships see paragraph RR 383.3 (3) (c). Certification must be signed by same officer or person who executed and signed the claim, if corporation or proprietorship; if partnership, by one general partner having knowledge of facts.

² Section 35 (a) of the United States Criminal Code, 18 U. S. C. section 80, makes it a criminal offense to make a wilfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

Item

1. Total recomputed amortization per statement of Internal Revenue agent in charge (A) -----
2. Less: Amortization or depreciation on emergency facilities charged to total production (B) (C) -----
3. Additional amortization allocable to renegotiated year -----

4. Amount shown in item 3 allocated to:
(a) Renegotiable business (D) -----
(b) Non-renegotiable business -----

5. Amount shown in item 4 (a) -----

6. Excessive profits eliminated for renegotiated year \$-----

7. Less amounts refunded by Government as increment on excess inventory (E) \$-----

8. Item 6 minus Item 7 -----

9. Gross renegotiation rebate (Item 5 or 8 whichever is smaller) -----

10. Amortization deduction (before recomputation) claimed in tax return for fiscal year -----

11. Depreciation—amount claimed in tax return -----

12. Amount shown in Item 2 as originally allocated in renegotiation to:

(a) Renegotiable business -----

(b) Non-renegotiable business \$-----

NOTES TO SCHEDULE A (REVISED)

(A) This amount will be obtained from the Internal Revenue Agent in Charge, who will supply it to the Contractor upon request, after the final recomputation of the amortization deduction under Section 124 (d) of the Internal Revenue Code is made in connection with the determination of the contractor's taxes for such fiscal year to which the claim relates.

(B) This amount should be identical with the total amount used in data submitted for renegotiation or upon the basis of which amortization was computed as a cost of renegotiable business. If there is a difference it should be explained.

(C) Where the amount shown in Item 1 includes recomputed amortization on emergency facilities which originally were written off, e. g. depreciated, for the fiscal year involved on a basis other than the statutory 60 months period, the amount shown in Item 2 must include the amount written off on such other basis. Indicate whether such other basis was used ----- If such other basis was used show on a separate subschedule the amount charged on such other basis and indicate whether in the data submitted for renegotiation it was described as amortization or as depreciation. (See paragraph 383.3 (2) and 383.3 (4) (f) of the Renegotiation Regulations.)

(D) The allocation must be explained in detail on a separate subschedule. See paragraph 383.3 (4) (c) of the Renegotiation Regulations.

(E) Amounts shown in Item 7 should refer only to those amounts which were refunded on the basis of claims filed against the Government Separate from renegotiation proceedings, for increment in value of excess inventory as provided by Subsection (1) (3) of the Renegotiation Act of 1943.

Budget Bureau No. 49-R267.1
Approval expires 31 Dec. 1947

SCHEDULE B

(To be attached to Claim for Net Renegotiation Rebate)

Name of claimant _____
Address _____
Fiscal year to which claim relates _____
(Ended)

Explanatory material prepared in reply to the following questions should be submitted on separate sheets identified as subschedules B-1, 2, 3, etc., corresponding with the number of the particular question answered.

1. Has the legal entity which was renegotiated been the subject, subsequently, of bankruptcy, receivership, merger, dissolution, liquidation or other reorganization? ----- If so, give details and dates.

2. Does any part of the total recomputed amortization shown as item #1 of Schedule A (Revised) relate to an incomplete facility within the meaning of section 124 (d) (6) of the Internal Revenue Code? ----- If so, show amount thereof, together with a description of the facility and other pertinent data indicated in paragraph 383.3 (4) (d) of the Renegotiation Regulations.

3. Has election to terminate the amortization period in accordance with section 124 (d) of the Internal Revenue Code been made with respect to all emergency facilities? ----- If not, was the original amortization charge to renegotiable business for both the facilities on which election has been made and those on which no election has been made, computed under a general rule of allocation applicable to all facilities or was a separate rate or basis of allocation used for each type? ----- If different bases were used, show amounts charged under each, and explain each of the bases used.

4. Was the accounting basis (e. g., cash, accrual, completed contract, etc.) upon which the excessive profits involved were determined the same as that upon which the contractor's final Federal tax returns were filed and accepted by the Bureau of Internal Revenue? ----- If not, give details.

5. Has the unamortized cost of any emergency facility ever been claimed and allowed in renegotiation on the ground of such facility having been abandoned or scrapped, or otherwise disposed of, but not claimed, or claimed but disallowed, for Federal tax purposes? ----- If so, give full details with respect to the facility involved, the year and the renegotiation in which such claim was made, and the accounting treatment employed with respect thereto in renegotiation and in the computation of the gross renegotiation rebate.

6. Has loss for abandonment or other disposal of any emergency facility been included in a termination claim? ----- If so, state the amount, year involved and final disposition of claim, and the accounting treatment employed with respect thereto for purposes of renegotiation, Federal taxes and the computation of the gross renegotiation rebate.

7. Has there been any other direct payment by the Government of the unamortized cost of any emergency facility? ----- If so, explain accounting treatment employed with respect to the transaction for purposes of renegotiation and Federal taxes and indicate whether election was made to treat the applicable amortization deduction in the manner provided by section 124 (h) of the Internal Revenue Code?

8. The usual standard form of renegotiation agreement has an Article which provides that if, as a result of the elimination of the amount of excessive profits determined pursuant to Article 1 of such agreement, any item which was allowed as a cost in the determination of such excessive profits is subsequently reduced either by refund on the part of the payee or by contractor recognizing

a reduction of its liability (by giving effect thereto on its books) with respect to such a cost, the contractor is obligated to refund to the Treasury of the United States as excessive profits an amount equal to the amount of such refund or reduction. If the renegotiation agreement to which the subject claim relates contains the foregoing or a comparable requirement, indicate whether any such refund has been received or such reduction recognized. ----- If so, indicate to what extent and in what manner such amount has been eliminated as excessive profits.

C. A. McLAUGHLIN,
General Counsel.

[F. R. Doc. 47-10106; Filed, Nov. 13, 1947;
8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 5]

PART 8305—SURPLUS REAL PROPERTY

War Assets Administration Regulation 5, March 17, 1947 as amended June 6, 1947, entitled "Surplus Real Property" (12 F. R. 2028, 3833), is hereby revised and amended as hereinafter set forth. New matter is indicated by underscoring. Orders 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 (10 F. R. 12070, 12735, 12961, 14072, 14399, 15269; 11 F. R. 2380, 182, 609, 9277, 1357, 1527, 1528, 8488, 14139) under this part, and the provisions of Orders 1 and 2 (11 F. R. 1743, 2933) under superseded Regulation 16 as well as the provisions of Order 1 (11 F. R. 7133) under superseded Regulation 20 shall continue in full force and effect.

- Sec.
- 8305.1 Definitions.
- 8305.2 Scope.
- 8305.3 Basic policy.
- 8305.4 Declarations.
- 8305.5 Classification.
- 8305.6 Permit or order use.
- 8305.7 Disposal of leasehold interests and improvements by owning agency.
- 8305.8 Options.
- 8305.9 Duties of owning and disposal agencies.
- 8305.10 Revocable leases or permits.
- 8305.11 Easements.
- 8305.12 Priorities.
- 8305.13 Valuation and appraisal.
- 8305.14 Notice and advertisement.
- 8305.15 Submission of proposals by non-priority offerors.
- 8305.16 Donations.
- 8305.17 Disposals for educational or public-health purposes.
- 8305.18 Price to priority claimants.
- 8305.19 Acceptance of offers.
- 8305.20 Form of conveyance.
- 8305.21 Disposal of leasehold interests and improvements by disposal agencies.
- 8305.22 Disposal under authority other than the Surplus Property Act.
- 8305.23 Functions of the Civil Aeronautics Administration.
- 8305.24 Fissionable materials.
- 8305.25 Submission to Attorney General and approval by regulatory agencies.
- 8305.26 Records and reports.
- 8305.27 Regulations by agencies to be reported to the Administrator.
- 8305.28 Exceptions.

Exhibit A. Federal agencies to be given notice of availability of surplus real property.

Authority: §§ 8305.1 to 8305.23, inclusive, Surplus Property Act of 1944, as amended (53 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorganization Plan 1 of 1947 (12 F. R. 4534); and Pub. Law 263, 80th Cong.

§ 8305.1 *Definitions*—(a) *Terms defined in the act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Administration" means the War Assets Administration acting by or through the War Assets Administrator or a designated official to whom ministerial functions under this part have been delegated by the Administrator.

(2) "Administrator" means the War Assets Administrator.

(3) (i) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(ii) "Airport property" as used in this part means any surplus real or personal property (not industrial) which, in the determination of the Administrator of Civil Aeronautics, is essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport; or reasonably necessary to fulfill the immediate and foreseeable future requirements of the owner or operator for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from non-aviation businesses at a public airport.

(4) "Continental United States" means the forty-eight (48) states and the District of Columbia.

(5) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is devoted primarily to carrying on instruction or research in the public interest, and which is a nonprofit institution.

(6) "Fair value" means the maximum price which a well-informed buyer, acting voluntarily and intelligently, would be warranted in paying if he were acquiring the property for long-time investment or for continued use with the intention of devoting such property to the best or most productive type of use to which the property is suitable or capable of being adapted.

(7) "Fissionable materials" means (i) all deposits from which the substances known as thorium, uranium, (including uranium enriched as to one of its isotopes) and elements higher than uranium in the periodic table, can be refined or produced, and (ii) all deposits from which there can be refined or produced other substances determined by the President by Executive order to be read-

ily capable of or peculiarly related to transmutation of atomic species, the production of nuclear fission, or the release of atomic energy (Executive Order 9701, dated March 4, 1946, 11 F. R. 2369)

(8) "Former owner" means the person from whom the real property was acquired by the Government.

(9) "Harbor" means any body of water sheltered by nature or by breakwaters, jetties, or similar structures, which affords anchorage for ships or other craft used in water-borne commerce. It includes the land, jetties, and breakwaters which form the sheltered water area as well as the structures and equipment which are required to keep the harbor in operative condition.

(10) "Improvements" means Government-owned structures, buildings, fixtures, facilities, utilities, and equipment attached to the realty.

(11) "Industrial real property" means real property the highest and best use of which is for purposes of manufacturing, fabricating, or processing of products, for mining operations or for the construction, repair, or operation of ships and other water-borne carriers, and railroad trackage, pipelines, and pipeline facilities used for transporting petroleum, petroleum products or gas, and power transmission lines. It includes land, or any interest in land, together with buildings, fixtures, facilities, utilities, and equipment located on such property or adapted to use in connection with such purposes, as well as unimproved land essential to the use of the property, and port terminals. It does not include, however, land, buildings, fixtures, facilities, utilities, or equipment classified by the Administration as airport property or nonindustrial property. In any case, the Administration may determine whether property is or is not industrial real property as defined herein.

(12) "Market price" means the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used.

(13) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, organization or association, or any nonprofit hospital or similar institution, organization, or association which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(14) "Own business enterprise" of a veteran as used in this part means one which is regularly pursued by, or is to be established by, a veteran to secure a livelihood and of which more than fifty (50) per cent of the proprietary interest therein is held by a veteran or veterans.

(15) "Owner-operator" means a person who seeks to acquire land classified as agricultural and represents that he

expects to cultivate and operate the land for a livelihood.

(16) "Plant" means an industrial installation capable of operation as an economic unit and includes structures, buildings, fixtures, facilities, utilities and equipment of all types located on or used in the operation of the installation. It may or may not include the land.

(17) "Port terminal" means a facility for the loading and unloading of ships or other craft used in water-borne commerce.

(18) "Priority" means the right, subject to stated conditions and limitations, to acquire surplus real property to the exclusion of others.

(19) "Public-health institution" means any hospital, board, agency, institution, organization or association, which is devoted primarily to carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(20) "Readily severable" means capable of being removed without substantial damage to either the property being removed or the premises.

(21) "Real property" means any interest owned by the United States or any Government agency in land and in any fixtures or improvements thereon of any kind, but does not include the public domain or such lands withdrawn or reserved from the public domain as the Administration determines are suitable for return to the public domain for disposition under the general land laws.

(22) "Scrambled facility" means Government-owned improvements, together with appurtenant equipment and other personal property, which are located on or used in the operation of a privately-owned plant or other non-Government-owned real property as an integral part thereof, and are not capable of economic operation as a separate and independent unit.

(23) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (i) commercial structures constructed by, or at the direction of, or on behalf of any Government-agency, (ii) commercial structures which the Administration determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administration determines essential to the use of any of the foregoing.

(24) "Small business" as used herein means any enterprise or group of enterprises, under common ownership or control, which by reason of its relative size and position in its industry is determined by the disposal agency to be a small business. In cases arising under section 18 (e) of the Act, such determination may

be made by Reconstruction Finance Corporation.

(25) "State or local government" means a State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(26) "Termination inventory" means Government-owned raw materials, work in process, end items, and components used in the assembly of the end products located in or on a surplus plant.

(27) "Veteran" means any person in the active military or naval service of the United States during the present war or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. Veterans "released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive."

(28) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (i) for the purpose of housing servicemen, war workers, and their families, or (ii) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

(29) "Landing area" as used herein means any land or combination of water and land, together with improvements thereon and necessary operational equipment used in connection therewith, which is used for landing, take-offs, and parking of aircraft. The term includes, but is not limited to, runways, strips, taxiways, and parking aprons.

§ 8305.2 *Scope.* This part applies to all surplus Government-owned real property located within the continental United States, its territories and possessions, including personal property assigned for disposal therewith. It includes also items comprising termination inventory which the Administration determines are essential to the advantageous disposition of the real property. It does not include plant equipment (as defined in Part 8306¹) which is included in a privately owned plant.

§ 8305.3 *Basic policy.*—(a) In all actions taken pursuant to this part the disposal agency shall give due weight to the applicable objectives set forth in section 2 of the act. The Administrator finds that it is imperative that prompt action be taken with respect to the disposal of Government-owned real property except such property as may be needed for purposes of national defense. The disposal agency may, upon receipt of notice from the owning agency that property is to be declared surplus, take appropriate steps hereunder leading toward the disposal of real property prior to its declaration as surplus: *Provided, however* That no final action shall be

¹ Reg. 6 (12 F. R. 2363).

taken until an acceptable declaration has been filed.

(b) It is the policy of the Administrator that real property shall be disposed of by such methods as best meet the objectives of the act, including in appropriate cases the use of sealed bids.

(c) The disposal agency shall accept that proposal which it finds, upon an evaluation of all the information available to it, will most clearly tend to meet the applicable objectives and provisions of the act. In any case, the disposal agency shall reject any proposal if it finds that on the whole it conflicts with such objectives. In considering proposals the disposal agency shall give thorough consideration to whether such objectives can best be met by leasing. Emphasis shall be placed upon the urgency of getting industrial property into civilian production or operation speedily so as to provide maximum employment in the postwar period. Due regard shall be given, however, to the possibility of enlarging the present major contribution to this objective which is made by small business and to the importance in this connection of maintenance of free independent competitive enterprise and the establishment of a maximum of independent operators in industry.

(d) It is the policy of the Administrator in considering equivalent or substantially equivalent proposals that medium-sized and small plants be sold or leased to local or small firms, preferably those owned or controlled by veterans. The disposal agency should therefore accept offers from responsible local groups with adequate working capital, experience, and other necessary qualifications, and should where necessary extend liberal credit terms over a period of years in preference to a cash offer from a firm or group which would tend to concentrate economic power.

(e) It is hereby declared that the national interest requires the disposal of surplus airport property in such a manner and upon such terms and conditions as will encourage and foster the development of civil aviation and provide and preserve for civil aviation and national defense purposes a strong, efficient, and properly maintained nationwide system of public airports, and will insure competition and will not result in monopoly. It is further declared that in making such disposals of surplus airport property the benefits which the public and the nation will derive therefrom must be the principal consideration, and financial return to the Government a secondary consideration. Airports which are surplus to the needs of owning agencies may be essential to the common defense of the nation or valuable in the maintenance of an adequate and economical national transportation system. In such cases and in accordance with the rules established herein such airports may be disposed of to State or local governments for considerations other than cash.

(f) The disposal agency shall keep a written record of the factors it weighed in arriving at a decision.

§ 8305.4 *Declarations*—(a) *General*. Declarations of surplus real property and

surplus personal property located therein or thereon shall be filed with the Administrator as provided in Part 8301.² Such property shall be declared surplus subject to any outstanding rights of refusal or options to purchase or otherwise acquire the property, and nothing in this part shall be deemed to impair the right of any person to exercise any valid right of refusal or option.

(b) *Reservations, restrictions, and conditions; industrial plants*. (1) In connection with a declaration of surplus shipyards, plants, and equipment hereunder, the Department of the Army, the Department of the Navy or the Department of the Air Force may direct the imposition of such terms, conditions, restrictions, reservations on the disposal of the property as will in the opinion of the department concerned be adequate to assure the continued availability of such property for war production purposes as may be required in the interest of national defense.

(2) In the event the disposal agency is unable to dispose of any such industrial plants and equipment subject to such terms, conditions, restrictions, or reservations within a reasonable time and after such property shall have been offered for sale, the departments imposing the terms, conditions, restrictions, or reservations shall be notified, and it shall thereupon either (i) modify the terms, conditions, restrictions, or reservations to the extent necessary to permit a sale or lease of the property; (ii) withdraw the property from surplus, and in the case of Reconstruction Finance Corporation owned property will effect a transfer thereof in the manner provided in Public Law 364, 80th Congress; or (iii) eliminate or waive the requirements for the imposition of any terms, conditions, restrictions, or reservations.

§ 8305.5 *Classification*. All surplus real property shall be classified by the Administration to determine the methods and conditions of, and the priorities applicable to, the disposition of the property. The classification may be revised from time to time.

§ 8305.6 *Permit or order use*. When a Government agency utilizing Government-owned real property under some form of arrangement with another Government agency having primary jurisdiction over the property no longer needs the property, such real property and any interest therein shall be returned to the agency having primary jurisdiction over the property in accordance with the arrangement between such agencies, except where the property has been substantially improved while being so utilized. In this latter event, the agency utilizing the property shall make a report of the facts to the Administration for a determination as to how the inter-

ests of the Government will be best served.

§ 8305.7 *Disposal of leasehold interests and improvements by owning agency*—(a) *Leaseholds*. (1) A Government agency owning a leasehold interest or similar right of occupancy which is no longer needed by such agency but which is needed by another Government agency shall, unless prohibited by the terms of the lease or other instrument under which the interest was acquired, transfer such interest directly to such other agency without declaring it surplus. The consideration for any such transfer shall be the fair value of any Government-owned structures or improvements included in the transfer unless otherwise authorized by the Administration or unless a transfer without reimbursement or transfer of funds is authorized by law. The owning agency shall take reasonable steps to ascertain the needs of Government agencies for such interests, and to this end may utilize the facilities of the Public Buildings Administration of the Federal Works Agency.

(2) If such leasehold or other interest is not claimed by any Government agency within a reasonable time and such leasehold or other interest does not include a purchase option in favor of the Government such leasehold or other similar interest may, subject to the provisions of subparagraph (b) (3) and paragraph (c) of this section, be terminated by the owning agency without declaring it surplus, after making arrangements for disposing of the Government-owned improvements as herein provided.

(b) *Improvements*. (1) When a Government agency no longer needs improvements located on Government-owned land which is not surplus and which is not expected to become surplus, or on land held only under leasehold or other similar right which is to be cancelled pursuant to paragraph (a) of this section, the owning agency may, subject to the provisions of this section, dispose of the improvements (except readily severable property which may be disposed of under other applicable regulations, and improvements erected under Emergency Plant Facility contracts, title to which has not vested in the Government, and similar contracts, which improvements shall be disposed of in accordance with the provisions of § 8305.3 of this part, or other applicable regulations of the Administrator) by any one or more of the following methods:

(i) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises or upon the release by the lessor or owner of a restoration obligation, if any, and upon the payment of a consideration that is fair and reasonable under all the circumstances;

(ii) By disposition in accordance with contractual commitments;

(iii) By transfer to another Government agency for removal from the site;

(iv) By sale intact;

(v) By contract for demolition, let only on competitive bids, whereby title to material not readily severable passes to the contractor;

² Reg. 1 (12 F. R. 6057).

(vi) By demolition of property not readily severable and disposal of surplus used building and construction materials by competitive bidding and of other resulting materials in accordance with any other applicable regulations of the Administrator. Any such competitive bidding shall be conducted under rules and regulations prescribed by the owning agencies containing provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids;

(vii) By abandonment if the owning agency has no obligation to remove such improvements and it finds in writing that such property is without commercial value or that the estimated cost of its care, handling, removal, and disposition would exceed the estimated proceeds of sale.

(2) No improvements on industrial real property costing more than \$100,000 shall be disposed of under this section by the owning agency without prior submission to and consent of the Administration, unless such improvements are located on Government-owned land which is not surplus and which is not expected to become surplus.

(3) With the exception of transfers to other Government agencies, no improvements (except scrambled facilities) on land which the Government by lease, option to lease, or otherwise, has a right to occupy for an additional definite period of five (5) years or more from the time it is determined to be surplus, shall be disposed of by the owning agency hereunder if the leasehold or other interests are no longer needed by the owning agency, but such improvements, together with the leasehold or other interests, shall be declared as surplus. At the direction of the Administration, any improvements, regardless of cost or the terms under which the land is occupied, shall be declared surplus in place, together with any related leasehold or other interests no longer needed by the owning agency.

(c) Airport property. No leasehold covering all or any portion of airport property shall be cancelled, and no improvements thereon shall be disposed of, by an owning agency except upon prior written approval of the Administration.

§ 8305.8 *Options.* The owning agency, where valid options are in force and the property is under its control, may dispose of the property covered by the option strictly in accordance with the terms of the option where the option price may be determined solely by a mathematical computation under the provisions of the option contract, or where by the terms of such option the fair value or selling price is to be determined by a designated official in such owning agency. In all other cases, the owning agencies shall declare surplus the property covered by the options, and disposals of such property

shall be made by the designated disposal agency pursuant to the rights of refusal or option, if exercised by the holder thereof. The disposal agencies may request the assistance of the owning agencies where necessary. Upon the lapse or waiver of any such right or option, the property shall be disposed of as promptly as possible in accordance with the provisions of this part.

§ 8305.9 *Duties of owning and disposal agencies—(a) Care and handling.* Upon the filing of an acceptable declaration of surplus property as provided in § 8305.4 of this part, the Administration or the disposal agency shall work out with the owning agency mutually satisfactory agreements for the assumption by the Administration or the disposal agency of the physical custody and control of, and accountability for, the property covered by the declaration. The owning agency shall take necessary steps to insure the reasonable preservation and safety of the property pending assumption of the physical custody by the designated disposal agency. *Provided, however* That any existing agreements between an owning and disposal agency heretofore approved by the Administrator shall not be affected by this section. Any agreements made between an owning and disposal agency which postpone the date on which such disposal agency shall be responsible for the physical care and handling of such property shall not postpone such date for more than ninety (90) days from the date when the acceptable declaration is filed, unless the prior approval of the Administration is obtained.

(b) *Repairs and improvements.* The disposal agency shall make or cause to be made repairs necessary for the protection and maintenance of the property. Where necessary, in order best to attain the applicable objectives of the act, consideration may be given to improvements or alterations which involve completing, converting, or rehabilitation of the property, and the disposal agency may make commitments and expenditures within its budgetary allotment for such purposes as in its opinion will further such objectives: *Provided, however* That the disposal agency shall make no commitment or expenditure on account of such repairs or alterations in excess of \$100,000 without prior written approval of the Administrator.

(c) *Taxes and other obligations.* Taxes, rents, and insurance premiums for a certain period which is partially prior and partially subsequent to the date on which the declaration of surplus is filed, shall be prorated between the owning agency and the disposal agency as of the date of the filing of an acceptable declaration. The agency paying the taxes, rents, and insurance premiums for such period shall be reimbursed by the other agency for that portion of such disbursements properly allocable to the other agency under such proration. Rents or other income received for any such period shall be prorated in like manner. The disposal agency shall be responsible for reimbursing the owning agency for payment of taxes covering any taxable period commencing after

the filing of the acceptable declaration. The disposal agency may renew any lease pursuant to which the Government is in possession, and may assume and carry out any of the obligations of the lessee thereunder. It shall be the duty of the owning agency to renew any lease to be declared surplus to this Administration when the date upon which such property is to be declared surplus is within ninety (90) days of the period within which notice to renew, under the terms of the lease, shall be given.

(d) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, and consistent with any necessary restrictions in the interest of national security, the owning agency shall supply the disposal agency with the originals or true copies of all documents or portions thereof pertaining to the property in the possession of the owning agency and copies of which have not been filed with the declaration. These may include leases, permits, appraisal reports, abstracts of title, tax receipts, deeds, affidavits of title, copies of judgments in condemnation proceedings, maps, surveys, and such other papers as may relate to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of the property, as a part of the disposal transaction, any abstract of title, or title guaranty or title insurance policy, which relates to the property being transferred and which is no longer needed either by the owning agency or the disposal agency. The terms upon which such a transfer shall be made shall be fixed by the disposal agency.

(e) *Studies by disposal agency.* The disposal agency shall compile appropriate information regarding all real property to be disposed of hereunder. Any report by any person engaged to collect or evaluate information pursuant to this part shall contain a certificate that he has no interest, direct or indirect, which would conflict in any manner or degree with the preparation and submission of an impartial report. Consistent with any necessary restrictions in the interest of national security, the owning agency shall render all possible assistance to the disposal agency in compiling such information, and, where the owning agency shall have prepared any such information, it shall immediately upon request forward the same to the disposal agency and shall cooperate with the disposal agency in obtaining any further necessary information. The owning agency and the disposal agency shall avoid duplication of work in compiling or preparing any such information.

§ 8305.10 *Revocable leases or permits.* A lease or permit may be granted by the Government agency having custody of the property to place surplus real property in productive use: *Provided*, That such lease or permit shall be made revocable on not to exceed thirty (30) days' notice by the Government agency having jurisdiction of the property, and, *Provided further* That the use and occupation will not interfere with, delay, or

retard the disposition of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. Unless otherwise authorized by the Administration, the lease or permit shall be for a consideration that is fair and reasonable under all the circumstances, with or without cash consideration, and shall be on such terms and conditions as are deemed appropriate properly to protect the interests of the United States. In the event the disposal agency, after the filing of an acceptable declaration, has not assumed physical custody and control, and accountability, of the property at the time the permit is to be issued, the issuance of the permit and the grant of immediate right of entry shall be by the owning agency, upon prior written authorization of the Administration.

§ 8305.11 *Easements*—(a) *To owner of servient estate.* The owning agency or the disposal agency, whichever has custody, control, and accountability of the property may, with or without consideration, dispose of an easement to the owner of the land which is subject to the easement when it is determined that the easement has no commercial value and is no longer needed: *Provided*, That, when any such easement was acquired for a substantial consideration such disposal shall be made at a consideration that is fair and reasonable under all the circumstances with due regard for any portion of the purchase price paid for severance damages.

(b) *To others.* Subject to the provisions of §§ 8305.12 and 8305.14 of this part, a disposal agency may grant easements in or over real property: *Provided*, That the prior approval of the Administration shall be obtained where the disposal agencies determine that the granting of such easements substantially decreases the value of the property, and, in such cases, the granting of the easement shall be for a consideration that is fair and reasonable, or without compensation when authorized by law.

§ 8305.12 *Priorities*—(a) *Order of priority.* In disposing of surplus real property the following priorities shall be recognized:

(1) Government agencies shall be accorded first priority to acquire all classes of surplus real property for their own use.

(2) (i) Reconstruction Finance Corporation, successor to Smaller War Plants Corporation, shall have a second priority to acquire any such surplus property for resale to such purchasers as it determines to be small business, as provided in section 18 (e) of the act. Such purchases shall be made by the Reconstruction Finance Corporation in its own name, and payment therefor shall be made by the Corporation. Each purchase order by the Corporation for resale purposes shall be based upon a written finding that the resale is required to preserve and strengthen the competitive position of small business, or will assist the Corporation in the discharge of the duties and responsibilities imposed upon it as successor to Smaller War Plants Corpora-

tion. The priority herein afforded may not (pursuant to Public Law 132, 80th Congress) be exercised in those cases where the former owner has a priority under section 23 (d) of the Surplus Property Act and has given written notice to the Reconstruction Finance Corporation that he intends to exercise such priority.

(ii) States, political subdivisions, municipalities, and tax-supported institutions are by Public Law 289, 80th Congress, afforded a second priority to acquire airport property, superior to the priority for Reconstruction Finance Corporation for small business.

(3) State or local governments shall be accorded third priority to acquire all classes of surplus real property (other than airport property) in order to fulfill, in the public interest, their legitimate needs. Any State or local government which has lost a highway or street over surplus section 23 real property because of Government acquisition or action shall be accorded a special priority, with precedence over all other State or local governments, to permit it to re-establish such highway or street. This right shall extend to the original right-of-way and any new or additional rights-of-way needed to re-establish the street or highway on a new or more adequate location. States and local governments in which a surplus harbor, or port terminal is situated (including municipalities in the vicinity thereof) shall have a special priority over other State and local governments to acquire such property.

(4) A former owner shall be accorded fourth priority as to any surplus section 23 real property acquired from him by any Government agency after December 31, 1939. This priority shall relate to property which is substantially the identical tract acquired by the Government from the owner. If this tract is not available to the former owner or is not desired by him because it is no longer suitable for the purpose for which it was used when acquired by the Government, he may be offered substitute property. Such substitute property shall be in the same area, be classified as suitable for the use for which the original tract was used when acquired, and otherwise be similar to the original tract. With respect to any substitute property thus made available to him the former owner shall be accorded a priority subordinate only to the priorities of Government agencies, State or local governments, a former owner or a tenant of a former owner of the substitute property. Acquisition of a substitute tract shall extinguish the priority of the former owner with respect to the original tract. Where only a portion of an original tract acquired from a former owner is declared surplus and the circumstances indicate that the remainder of such former owner's original tract will be declared surplus within a reasonable time, the disposal agency, without affecting the priorities of Government agencies or State and local governments, may grant the former

owner a priority to the portion first declared surplus and extend the same to a date ninety (90) days from the date notice is forwarded to the former owner of the availability of the entire original or substantially identical tract acquired from him.

(5) A tenant of a former owner, who was in possession of agricultural section 23 real property at the time the same was acquired by any Government agency after December 31, 1939, shall be accorded fifth priority with respect to substantially the same property occupied by him as tenant at the time of such acquisition.

(6) A veteran and the spouse and children (in that order) of a person who died while in the active military or naval service of the United States on or after September 16, 1940, shall be accorded a priority as to all surplus section 23 real property classified by the Administration as suitable for agricultural, residential, or small business purposes. This priority shall be subordinate to all the priorities described in subparagraphs (1) through (5) of this paragraph. The disposal agency shall satisfy itself, by reference to the veteran's discharge papers or other evidence, that the applicant is qualified to exercise this priority, and that the property applied for is for the applicant's own personal use for agricultural or residential purposes, or to enable the applicant to establish or maintain his own small business enterprise as defined in this part.

(7) Owner-operators shall be accorded a priority with respect to all surplus section 23 real property classified by the Administration as suitable for agricultural use. This priority shall be subordinate to the priorities described in subparagraphs (1) through (6) of this paragraph.

(8) Nonprofit institutions shall be accorded a priority to acquire all classes of surplus real property, except airport, harbor, or industrial real property, in order to fulfill, in the public interest, their own legitimate needs. This priority shall be subordinate to the priorities described in subparagraphs (1) through (7) of this paragraph. Tax-supported nonprofit institutions have a second priority for airport property as set out in subparagraph (2) above.

(b) *Extent of priorities.* A priority may be exercised only for the entire interest which is offered: *Provided, however*, That the disposal agency may, in its discretion, accept an offer for less than such entire interest. The priorities of Government agencies, State, or local governments, tax-supported institutions, and nonprofit institutions are continuing priorities which are not exhausted because of their effective exercise with respect to a given piece of property. The priority of a veteran, the spouse and children of a deceased serviceman, or an owner-operator, ceases to exist after it has once been effectively exercised with respect to one appropriate unit. The priority of a former owner or tenant is limited to the particular property as described in subparagraphs (a) (4) and (5) of this section.

(c) *Transfer of priorities and transmission on death.* No assignment or transfer of a priority shall be recognized, but the priority of a former owner may be exercised through an agent duly authorized in writing where the priority holder is so situated that he cannot exercise it in person. Upon the death of a veteran or former owner, his spouse and children (in that order) shall succeed to his priority rights. The priority right of a tenant shall be extinguished by his death.

(d) *Time and method of exercise.* Government agencies, the Reconstruction Finance Corporation for resale to small business, and State or local governments shall have a period of ten (10) days in which to exercise their respective priorities after the date notice of availability is first published. The priority of the Reconstruction Finance Corporation to acquire industrial property for resale to small business, under § 18 (e) of the act, may be exercised at any time after notice of availability is first published up to and including the cut-off date provided for in § 8305.14. Where the former owner has a priority, the time for the exercise of the former owner's priority and all subordinate priorities shall be ninety (90) days after the date notice of availability is first published, or such additional period as the Administration may allow when necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority. In all other cases, the priority period shall be a period of ten (10) days after the first publication of notice of availability. Within the established priority period, the priority holder shall indicate an intention to exercise his priority by submitting to the disposal agency a written offer to acquire the property, stating the price that the applicant is willing to pay or, in the case of a Government agency, that a transfer without reimbursement or transfer of funds is authorized by law. Each offer shall be accompanied by such deposit as the disposal agency may require, except that no deposit shall be required from a Government agency, including the Reconstruction Finance Corporation or State or local government. The offer of a Government agency shall state that the property is being acquired for its own use and not for transfer or disposition, and shall set forth all pertinent facts pertaining to its need for the property. The offer of a State or local government, tax-supported or nonprofit institution shall show in detail the contemplated use of the property. Veterans, the spouse and children of deceased servicemen, and the owner-operators may offer to purchase any or all units offered for sale. When an offer cannot be made because the disposal agency lacks necessary information on price, units, or other matter, it shall be sufficient if the priority holder, within the applicable priority period, files a written statement of his desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the

priority period) those who have filed such statements shall be so advised and given an opportunity to make an offer. The offer must be completed within a reasonable time as determined by the disposal agency. If a Government agency or State or local government shall require time to acquire funds or authority to acquire the property, the claimant shall, within the priority period, so state in its application and indicate the length of time needed for that purpose. The disposal agency will review the application and determine what time, if any, shall be allowed applicant to conclude the acquisition of the property and will advise the applicant of such determination.

(e) *Failure to offer full amount or to exercise in time.* Except as otherwise provided in paragraph (d) of § 8305.12, all priorities not exercised during the priority period shall expire upon the termination of such period. The disposal agency may, in its discretion, permit priority holders to make offers after the priority period has ended, and such offers may be considered on the same basis as if they had been submitted during the priority period. Such action by the disposal agency, however, shall not be construed as extending the priority period, and such offers may not be accepted to the prejudice of a timely and acceptable offer from another priority offeror. In order to exercise his priority, the offer of a priority offeror shall meet all the requirements of § 8305.18 with respect to consideration, which consideration shall be established in each case by the disposal agency. If his bid is less than the established consideration, such bid shall be treated as a nonpriority offer: *Provided, however* That an offer from a Federal agency, which offer is less than fair value, shall be rejected, except where a transfer without reimbursement or transfer of funds is authorized by law. Offers by those entitled to a priority hereunder, which offers do not meet all the requirements of this part, may, at the option of the disposal agency, be treated as nonpriority offers.

§ 8305.13 *Valuation and appraisal—*
(a) *General.* Except as otherwise authorized by the Administration or as otherwise provided in this section, the disposal agency shall in all cases establish the fair value of the property assigned to it for disposition: *Provided, however* That in those cases in which the property is classified as airport property and is to be disposed of to a State, local government or tax-supported institution, or is property which it is contemplated will be transferred to a Federal agency without reimbursement or transfer of funds, no estimate need be made of the value of the property.

(b) *Property to be acquired through exercise of former owner's and tenant's priority.* In connection with the sale of section 23 real property to a former owner or tenant entitled to a priority therein, the disposal agency shall determine the sale price, which price shall be the lower of (1) the market price, or (2) the ac-

quisition price adjusted to reflect any increase or decrease in the value of the property resulting from action by the United States.

(c) *Method of determining values.* To determine values, the disposal agency shall have the property appraised by experienced and qualified appraisers familiar with the types of property to be appraised by them. They may be staff appraisers of the disposal agency, individuals employed on a loan reimbursable basis from other Federal agencies, or independent appraisers in private business. All appraisal reports shall contain a certificate executed by the appraiser certifying that he has no interest, direct or indirect, in the property, or sale or disposition thereof.

§ 8305.14 *Notice and advertisement—*

(a) *Wide publicity.* Except where a transfer is requested by a Government agency, excluding the Reconstruction Finance Corporation for resale to small business, the disposal agency shall widely publicize all real property which becomes available for disposal hereunder, giving information adequate to inform interested persons of the general nature of the property and its possible uses, as well as any reservations, restrictions, and conditions imposed upon its disposition by the Administration. Such publicity shall be by public advertising or other appropriate public notice. The disposal agency may consult with local groups and organizations. The disposal agency shall, upon request, supply to bona fide potential purchasers and lessees adequate preliminary information and, with the cooperation of the owning agency where necessary, shall render such assistance to such persons as may enable them so far as feasible to acquire adequate information regarding the property. The disposal agency shall establish procedures so that all persons showing due diligence are given full and complete opportunity to make a proposal.

(b) *Notice to priority holders.* At the time of the first publication of the advertising required by this section, or where advertising is not required under the provisions of paragraph (a) of this section, notice shall be sent by mail to all Government agencies listed in Exhibit A of this part. Except in such cases where advertising is not required, notice also shall be sent by mail to the State, political subdivision thereof, and any municipality in which the property is located, and, in the case of harbor or port terminal properties, to municipalities in the vicinity thereof, and should also be sent to any other State or local government, or any nonprofit institution which has expressed an interest in the property. In the case of airport property, notice shall be sent by mail to the State, political subdivision, or municipality in which the property is located, and should also be sent to any other State, political subdivision, or municipality, or to any tax-supported institution, which has expressed an interest in the property. Where, however, a transfer is re-

quested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, no notice to other Government agencies is necessary. In those cases where the former owner is afforded a priority, the disposal agency, at the time of the first publication of such notice, shall send a copy thereof to the former owner at his last-known address by registered mail, with return receipt requested, except in those cases where the holder of a higher priority has indicated its intention to exercise its priority to acquire the property.

(c) *Inspection.* All persons interested in the acquisition of surplus property available for disposal under this part shall, with the cooperation of the owning agency where necessary, be permitted to make a complete inspection of such property, including any engineering reports made in connection therewith, subject to any necessary restrictions in the interest of national security and subject to such rules and regulations as may be prescribed by the owning or disposal agency. The consent of the sponsoring agency is required where the property is still in production or use.

(d) *Cut-off date.* Except as otherwise authorized by the Administration, all advertisements published pursuant to the requirements of this section shall contain a cut-off date for the submission of offers.

§ 8305.15 *Submission of proposals by nonpriority offerors.* All proposals made by any nonpriority holder interested in the acquisition of surplus real property available for disposal in accordance with the provisions of this part shall be in writing and, in addition to the financial terms upon which the proposal is predicated, shall set forth the willingness of the offeror to abide by the terms, conditions, reservations, and restrictions upon which the property is offered, and shall contain such other information as the disposal agency may request. Any information submitted, the disclosure of which might tend to subject the offeror to a competitive business disadvantage shall, upon request, be held in strict confidence by the disposal agency and by any other Government agency to which it is made available.

§ 8305.16 *Donations.* Surplus real property may be donated only to any agency or institution supported by the Federal Government, or any State or local government, or to any nonprofit educational or charitable organization, and only when the disposal agency finds in writing either: (a) that the property has no commercial value or (b) that the cost of its care, handling, and disposition would exceed the estimated proceeds of a sale. Before making any donation, however, the disposal agency shall in all cases obtain the prior approval of the Administration. To obtain such approval, the disposal agency shall submit to the Administration a copy of its findings, together with any supporting evidence, and a full description of any donation that may be proposed.

§ 8305.17 *Disposals for educational or public-health purposes.* State or local governments or educational or public-

health institutions seeking to acquire surplus real property hereunder for educational use or to promote or protect the public health may qualify for an allowance from the fair value because of the benefit which has accrued or which may accrue to the United States by such use: *Provided,* That no public-benefit allowance may be allowed to any nonprofit institutions which are not exempt from taxation under section 101 (6) of the Internal Revenue Code. Applications for such allowances shall be filed with the Administration and shall indicate with reasonable completeness the nature of the contemplated use of the property, the basis for claiming preferential treatment, a full description of the applicant, and the ways in which and the extent to which the United States will be benefited by the proposed use. Each such application shall be accompanied by a certificate of an authorized official of the buyer that the buyer is a State or local government, or that it is a nonprofit institution as defined in § 8305.1 (b) of this part, and that the property is being acquired for educational or public-health purposes. The application also shall be accompanied by a statement from the disposal agency setting forth such information as the disposal agency is able to secure with respect to the applicant, the contemplated use by such applicant, and the disposal agency's estimate of the fair value of the property. After considering the application and any additional evidence deemed appropriate, including additional information required from the disposal agency or the applicant, the Administration shall notify the disposal agency of its decision on the application, certifying the amount of the public-benefit allowance granted and directing the terms and conditions of the disposal.

§ 8305.18 *Price to priority claimants—(a) General.* Except as hereinafter provided, the price to be charged priority purchasers shall be the fair value of the property offered for disposal.

(b) *Transfers to Federal agencies without reimbursement.* Transfers may be made to Federal agencies without reimbursement or transfer of funds when such transfers are authorized by law.

(c) *Former owners and tenants.* The price to be paid by a former owner or tenant acquiring surplus section 23 real property shall be a price not greater than that for which it was acquired by the United States, such acquisition price being properly adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States, or a price equal to the market price at the time of sale of such property, whichever price is the lower.

(d) *Harbor or industrial real property.* The consideration for a transfer of harbor or industrial real property shall be the fair value of such property considered in the light of the applicable objectives of the Act and the reservations, restrictions, and conditions imposed upon the future use and disposition of the property.

(e) *Rights-of-way.* The price to be paid by State or local governments for

the acquisition of rights-of-way for highways or streets over surplus section 23 real property, pursuant to section 13 (e) of the act, shall be a price not exceeding that paid therefor by the Government.

(f) *Veterans.* Veterans and the spouse and children of deceased servicemen shall be entitled to purchase surplus section 23 real property at a price fixed by the disposal agency, after taking into consideration the current market value, the character of the property, and, if income-producing, the estimated earning capacity thereof.

(g) *Airport property.* (1) Property which is determined by the War Assets Administrator to be available for disposal as airport property, and is not classified as industrial property, and which is determined by the Civil Aeronautics Administrator to be essential, suitable, or desirable for the development, improvement, operation, or maintenance of a public airport, or reasonably necessary to fulfill the immediate and foreseeable future requirements of the grantee for the development, improvement, operation, or maintenance of a public airport, including property needed to develop sources of revenue from nonaviation business at a public airport, may, with the approval of the War Assets Administrator be conveyed or disposed of to any State, political subdivision thereof, municipality, or tax-supported institution without monetary consideration to the United States, but subject to the terms, conditions, reservations, and restrictions imposed by the War Assets Administrator as hereinafter set out. Upon the request of the Administrator of Civil Aeronautics, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, any of such terms, conditions, reservations, or restrictions may be omitted, and any additional terms, conditions, reservations, or restrictions may be imposed if the Administrator of Civil Aeronautics, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force determines that such omission or inclusion is necessary to protect or advance the interests of the United States in civil aviation or for national defense. Before any such conditions, reservations, or restrictions are omitted or imposed upon the request of one of the named agencies information of such proposed change will be furnished to the other agencies.

(2) Subject to the provisions of subparagraph (1) above, such property shall be disposed of to such grantees subject to the following terms, conditions, reservations, and restrictions:

(i) The property shall not be used, leased, sold, salvaged, or disposed of by the grantee or transferee for other than airport purposes without the written consent of the Administrator of Civil Aeronautics, which consent shall be

granted only if the Administrator of Civil Aeronautics determines that the property can be used, leased, sold, salvaged, or disposed of for other than airport purposes without materially and adversely affecting the development, improvement, operation, or maintenance of the airport conveyed, or the airport at which such property is located: *Provided*, That no structures disposed of hereunder shall be used as an industrial plant, factory, or similar facility within the meaning of section 23 of the Surplus Property Act, unless the grantee or its successors in title shall pay to the United States such sum as the War Assets Administrator shall determine to be a fair consideration for the removal of the restriction imposed by this paragraph.

(ii) The property shall be used and maintained as airport property for the use and benefit of the public, without unjust discrimination.

(iii) No exclusive right for the use of the airport conveyed, or the airport at which the property disposed of is located, shall be vested (either directly or indirectly) in any person or persons to the exclusion of others in the same class. For the purpose of this condition, an exclusive right is defined to mean:

(a) Any exclusive right to use the airport for conducting any particular aeronautical activity requiring operation of aircraft;

(b) Any exclusive right to engage in the sale or supplying of aircraft, aircraft accessories, equipment, or supplies (excluding the sale of gasoline and oil) or aircraft services necessary for the operation of aircraft (including the maintenance and repair of aircraft, aircraft engines, propellers, and appliances)

(iv) The grantee shall, in so far as it is within its powers, adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards, and by preventing the establishment or creation of future airport hazards.

(v) During any national emergency declared by the President or by the Congress, the United States shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport conveyed, or the airport at which the surplus property is located or used, or of such portion thereof as it may desire: *Provided, however* That the United States shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive possession and control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable

share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: *Provided, further*, That the United States shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without United States aid.

(vi) The United States shall at all times have the right to make nonexclusive use of the landing area of the airport conveyed, or the airport at which the surplus property is located or used, without charge: *Provided, however*, That such use may be limited as may be determined at any time (other than during the existence of a national emergency) by the Administrator of Civil Aeronautics to be necessary to prevent undue interference with use by other authorized aircraft: *Provided, further* That the United States shall be obligated to pay for damages caused by such use, or if its use of the landing area is substantial, to contribute a reasonable share of the cost of maintaining and operating the landing area, commensurate with the use made by it.

(vii) The grantee accepting a conveyance or transfer of surplus airport property shall release the United States from any and all liability it may be under for restoration or other damages under any lease or other agreement covering the use by the United States of any airport, or part thereof, owned, controlled, or operated by the grantee upon which, adjacent to which, or in connection with which, the surplus property was located or used: *Provided*, That no such release shall be construed as depriving the grantee of any right it may otherwise have to receive reimbursement under section 17 of the Federal Airport Act for the necessary rehabilitation or repair of public airports heretofore or hereafter substantially damaged by any Federal agency.

(viii) In the event that any of the terms, conditions, reservations, and restrictions upon or subject to which the property is disposed of is not met, observed, or complied with, all of the property so disposed of, or any portion thereof, shall, at the option of the United States, as exercised by the Civil Aeronautics Administrator, revert to the United States in its then existing condition.

(3) Any airport property not disposed of pursuant to the provisions of this section shall be disposed of in accordance with other applicable provisions of this part, including, if appropriate, further classification by the War Assets Administration.

§ 8305.19 *Acceptance of offers—(a) General.* The disposal agency shall allow a reasonable period of time within which the successful bidder shall consummate the transaction and shall notify the successful bidder of the period allowed. Offers from priority holders at their respective established considerations shall be accepted in the order of their priority. If there are several acceptable offers at the same price or consideration from offerors in the same priority group or from nonpriority offerors, the offer to be accepted from that group shall be selected as provided in paragraph (c) of this section. In evaluating offers, the disposal agency shall be guided by all of the applicable objectives of the act. In addition, due consideration shall be given to the offers of nonprofit institutions and such offers shall be carefully considered, bearing in mind the nature of the nonprofit institution and the use to which it proposes to put the property. Disposal agencies may reject any offer which is below the fair value of the property other than an offer from a priority holder for the maximum consideration established for a transfer to such a priority holder. When a veteran, the spouse and children of a deceased serviceman, or an owner-operator has made an offer for more than one unit, only one of the offers of such offeror shall be accepted. No disposal shall be made at a price which is more than twenty-five (25) per centum below the established fair value until such disposal has been reviewed and approved by the Administration, unless that price or consideration is the maximum price or consideration which may be charged the purchaser.

(b) *Proof of priority status.* Before a disposal agency shall dispose of surplus real property on the basis of the priority claimed by the offeror, it shall require satisfactory proof of the priority status, identity, or authority of the person making the offer.

(c) *Equal offers.* If equal acceptable offers are received for the same property from two or more offerors of the same priority group, or if equal offers are received from two or more nonpriority offerors, selection shall be made as follows:

(1) In the case of Government agencies, State or local governments, tax-supported or non-profit institutions the selection shall be determined on the basis of need. If the matter cannot be determined by agreement between the claimants, the disposal agency shall report the matter in writing to the Administration, setting forth the names of the competing claimants, a summary of their respective claims, a description of the property involved, and the recommendations, if any, of the disposal agency, together with any statements in writing which the claimants, or any of them, may wish to file with the Administration. The Administration shall review the matter and report its determination to the disposal agency. The Administration's determination shall be final for all purposes.

(2) With respect to veterans, the selection shall be by lot. With respect to all other priority groups and nonpriority offerors, the selection shall be deter-

mined, unless otherwise directed by the Administration, by taking into consideration actual proposals received and the use of the property most desirable in the light of the applicable objectives of the act.

(3) If a veteran, the spouse and children of a deceased serviceman, or an owner-operator is selected for more than one unit, he shall elect in writing which one he shall take and thereupon the right to purchase the remaining unit or units of property shall go to the remaining applicants in the particular priority group in the order in which the names are drawn.

(d) *Notice to unsuccessful bidders; nonperformance by successful bidder.* When an offer for surplus real property has been accepted, the disposal agency shall notify the unsuccessful bidders of such acceptance and return their deposits, if any, to them. If the successful bidder fails to complete the transaction, the disposal agency shall promptly notify by mail all those who made unsuccessful offers during the priority period or any time allowed thereafter that if they renew their offers within fifteen (15) days from the date of mailing of the notice they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance.

(e) *Absence of acceptable offers; methods of sale.* If no acceptable offer is received, the disposal agency shall proceed to dispose of the property by negotiated sale, auction, or other suitable method. Such disposals shall be subject to the price restrictions of paragraph (a) of this section, unless otherwise authorized by the Administration.

§ 8305.20 *Form of conveyance—(a) General.* The deed or instrument of transfer shall be on a form approved by the Attorney General. Disposals shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and unless the use of such a deed is recommended and approved by the Attorney General as provided in the act.

(b) *Conditions in disposal instrument.* Unless otherwise authorized by the Administration, as a part of each disposal pursuant to this part, any priority claimant, or any person acquiring surplus industrial property, shall certify in writing that he is acquiring the property for the uses and purposes set forth in his proposal and (1) if a purchaser, that he will not sell the real property within two (2) years without first obtaining the written authorization of the Administration; (2) if a lessee, that he will not assign the lease or sublet all of the property without the prior written consent of the Administration, nor will he sublet any portion of the premises without such approval, except as permitted under the terms of the lease: *Provided, however* That no such restriction as to resale shall be imposed upon a conveyance to a for-

mer owner, or the tenant of a former owner, acquiring surplus section 23 real property through an exercise of his priority, or upon a conveyance of airport property, or war housing or other structures and improvements sold for removal from the site. If the disposal agency extends credit, the purchaser shall agree that, until full payment is made, he will not resell the property without the prior written authorization of the Administration to such resale. Any deed, lease, or other instrument executed to dispose of property under this part, subject to reservations, restrictions, or conditions, as to the future use, maintenance, or transfer of the property, shall unless otherwise authorized by the Administration, recite all representations and agreements pertaining thereto; and may contain a provision to the effect that, upon a breach of any of the reservations, restrictions, or conditions by the immediate or any subsequent transferees, the title, right of possession, or other right disposed of, shall, at the option of the Government, revert to the Government upon demand. Deeds or instruments for the disposal of airport property shall recite the conditions, reservations, and restrictions imposed pursuant to § 8305.18 (g) (2) of this part.

§ 8305.21 *Disposal of leasehold interests and improvements by disposal agencies—(a) Improvements: leaseholds.* Where surplus real property held only under lease or other similar right of occupancy, with or without improvements thereon, is assigned to a disposal agency for disposition, such disposal agency, subject to the provisions of § 8305.14 and § 8305.18 (g) of this part, (1) may accept a proposal from a priority holder under this part, in order of priority, or, if there is no priority offeror, then from a nonpriority offeror, to assume the obligations of the lease, unless such a transfer is prohibited by the terms of the lease or other instrument under which the interest was acquired, and may dispose of any structures or improvements located on or in the property, subject to such reservations, restrictions and conditions, if any, as the Administration deems necessary properly to protect the interests of the United States, in the following order:

First, by any one or more of the following methods:

(i) By disposition of all or a portion thereof to the transferee of the leasehold interest for a consideration that is fair and reasonable under all the circumstances.

(ii) By disposition in accordance with contractual commitments, or

(iii) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, or upon a release by the lessor or owner of a restoration obligation plus the payment of a consideration that is fair and reasonable under all the circumstances, or

Second, by disposition to priority holders under this part, in their order of priority, for removal from the site, or

Third, by disposition to nonpriority holders for removal from the site; or

(2) may cancel the lease, by notice or negotiated agreement, and dispose of any structures or improvements located on or in the property, subject to such reservations, restrictions, and conditions, if any, as the Administration deems necessary properly to protect the interests of the United States in the same manner as described in subparagraph (1) above for the disposition of structures and improvements in those cases in which the lease is to be transferred or assigned, except that the method providing for disposition to the transferees or assignee of the leasehold or other similar right of occupancy would not be applicable.

(b) *Improvements, Government-owned land.* In the case of Government-owned land, the disposal agency may dispose of structures and improvements with the land or intact and separate from the land. In either case, disposals shall be subject to applicable provisions of this part.

(c) *Personalty.* Where it is determined that equipment or supplies or other personal property located in or on surplus real property is to be disposed of in conjunction with real property, it may be disposed of with the real property subject to applicable provisions of this part. The disposal agency shall hold such surplus personalty intact until such time as the disposal agency determines in writing that the retention of any part of the personalty will not facilitate the disposition of any or all of the surplus real property, at which time the personalty to be released shall be transferred to the jurisdiction of the agency designated in Part 8301 to dispose of such property. In connection with the leasing of any surplus real property, the disposal agency may sell to the lessee any personal property determined to be necessary for the operation of the realty.

§ 8305.22 *Disposal under authority other than the Surplus Property Act.* Disposals of airport, harbor, or industrial real property shall not be made under other laws, pursuant to section 34 (a) of the act, but shall be made only in strict accordance with the provisions of this part unless the Administrator, upon written application by the owning agency or other interested Government agency, shall consent in writing to a disposal under such other laws.

§ 8305.23 *Functions of the Civil Aeronautics Administration.* In the disposal of surplus airport property under this part, the disposal agency may avail itself of the services of representatives of the Civil Aeronautics Administration in connection with the disposal of surplus airport property, and shall consult with and obtain the recommendations of the Civil Aeronautics Administration in all decisions pertaining to civil aviation. In addition, the Civil Aeronautics Administration shall furnish such technical assistance as the Administrator or the disposal agency may request and the Civil Aeronautics Administration is in a position to provide.

§ 8305.24 *Fissionable materials.* (a) In all disposals of lands hereafter made

under the authority and provision of the act;

(b) In all leases, permits, or other authorizations of whatever kind, hereafter granted to remove minerals from such lands;

(c) In all leases, permits or other authorizations which otherwise would preclude the United States from exercising its right to enter upon such lands and prospect for, mine, and remove minerals, there shall be reserved to the United States all fissionable materials in the lands, together with the right, at any and all times, to enter upon the lands and prospect for, mine, and remove such materials; *Provided*, That no such reservation shall interfere with the primary use of the land established or indicated by any act of Congress, and: *Provided, further* That no such reservation shall be required whenever the Secretary of the Interior shall determine that the land affected does not contain substantial deposits of fissionable materials, or that, in view of all the circumstances, there is no reasonable probability that such materials are present in quantities sufficient to justify their extraction. Unless the lands are within the exceptions above provided, all notices of sale or availability given or published by the disposal agencies shall disclose that the lands involved will be disposed of or sold subject to the reservation of the mineral rights referred to in this section.

§ 8305.25 *Submission to Attorney General and approval by regulatory agencies*—(a) *Attorney General*. In any case in which real property available for disposal hereunder cost \$1,000,000 or more, a complete statement of any proposed disposal to private interests which has been tentatively decided upon, including all information compiled or obtained by the disposal agency, shall be made available by the disposal agency to the Attorney General as required by section 20 of the act.

(b) *Regulatory agencies*. All disposals of surplus transportation property shall be subject to the approval of any regulatory agency, Federal or State, having jurisdiction of such disposal by reason of the type of property involved.

§ 8305.26 *Records and reports*. Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8305.27 *Regulations by agencies to be reported to the Administrator*. Each owning and disposal agency shall file with the Administration copies of all regulations, orders and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8305.28 *Exceptions*. Exceptions to any portions of the procedure set forth

in this part may be made by direction of the Administrator where such exception would not be in violation of the act.

This part shall become effective October 24, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

OCTOBER 24, 1947.

EXHIBIT A

FEDERAL AGENCIES TO BE GIVEN NOTICE OF AVAILABILITY OF SURPLUS REAL PROPERTY

Department of Agriculture.
Department of Commerce.
Department of the Interior.
Department of Labor.
Department of Justice.
Department of the Navy.
Department of State.
Department of the Treasury.
Department of War.
Federal Communications Commission.
Federal Works Agency.
Federal Power Commission.
National Housing Agency.
Office of Scientific Research and Development.
Reconstruction Finance Corporation.
Reconstruction Finance Corporation (Office of Small Business).
Tennessee Valley Authority.
United States Maritime Commission.
Veterans' Administration.

The mailing address of all agencies listed in this exhibit is Washington 25, D. C.

[F. R. Doc. 47-10129; Filed, Nov. 12, 1947; 4:41 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 21—INTERNATIONAL POSTAL SERVICE.

SERVICE TO FOREIGN COUNTRIES; AIR-MAIL SERVICE TO OKINAWA AND RYUKYU ISLANDS

Effective November 1, 1947, the regulations under the country "Okinawa and the Ryukyu Islands" Subpart B of Part 21 (12 F. R. 3298) are amended by deleting the third paragraph and inserting in lieu thereof the following:

Registration, money order and special delivery services are not available at this time.
Air mail. Articles in the regular mails may be sent by air to Okinawa and the Ryukyu Islands, subject to the conditions applicable to surface mails. The postage rate for air-mail articles is 25 cents per half ounce or fraction. Letter packages are limited to 4 pounds 8 ounces in weight, and may not contain merchandise.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-10069; Filed, Nov. 13, 1947; 8:50 a. m.]

PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES: INSURED PARCEL POST SERVICE TO HUNGARY SUSPENDED

Effective at the close of business October 31, 1947 the regulations under coun-

try "Hungary" in Part 21, Subpart B of Title 39, Code of Federal Regulations, are amended by changing the subitem "Insurance" under the item "Parcel Post" to read as follows:

Insurance. Suspended.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Acting Postmaster General.

[F. R. Doc. 47-10068; Filed, Nov. 13, 1947; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICTS NOS. 3 AND 5

CROSS REFERENCE: For orders affecting the tabulation contained in § 162.1, see Federal Register Documents 47-10062 and 47-10063 under Department of the Interior in the Notices section, *infra*, modifying Nevada Grazing Districts Nos. 3 and 5.

Appendix—Public Land Orders [Public Land Order 424]

ALASKA

AMENDING PUBLIC LAND ORDER NO. 405 SO AS TO GRANT A PREFERENCE RIGHT OF SETTLEMENT ON UNSURVEYED PUBLIC LANDS TO CERTAIN QUALIFIED VETERANS OF WORLD WAR II

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 405 of September 11, 1947, is amended so as to provide that (1) any of the unsurveyed public lands in Alaska which are restored from withdrawal by that order shall at 10:00 a. m. on November 13, 1947, be opened to settlement under the homestead laws only, and to that form of appropriation only by qualified veterans of World War II for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), as amended, subject to the requirements of the homestead laws, and (2) commencing at 10:00 a. m. on March 12, 1948, any of such lands not settled upon by veterans shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior

NOVEMBER 12, 1947.

[F. R. Doc. 47-10133; Filed, Nov. 13, 1947; 8:49 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

Chapter I of Title 34 of the Code of Federal Regulations is revised to read as follows:

SUBCHAPTER A—ORGANIZATION AND FUNCTIONS

Part

1 Authority, general organization and functions of the Naval Establishment.

SUBCHAPTER B—FINAL OPINIONS, ORDERS AND OFFICIAL RECORDS

2 Availability of final opinions, orders and official records.

SUBCHAPTER C—EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

3 Tabulation of Executive orders, proclamations and public land orders applicable to the Navy.

SUBCHAPTER D—PROCEDURES APPLICABLE TO THE PUBLIC

Part

10 Procurement of officers and enlisted men.

11 Admission of candidates into the Naval Academy as midshipmen.

12 Naval Reserve Officers' Training Corps.

13 Naval Aviation College Program.

14 Naval Reserve.

15 Marine Corps Reserve.

16 Family allowances to servicemen.

17 Death gratuity.

18 Mustering-out payments.

19 Missing Persons' Act.

20 Naval courts and certain fact-finding bodies.

21 Proceedings in civil courts.

22 Navy Medical Survey Review Board.

23 Naval Retiring Review Board.

24 Board for the correction of naval records.

25 Board of review, discharges and dismissals of former personnel of the Navy and Marine Corps.

30 Procurement of matériel.

31 Navy Procurement Regulation.

32 Disposition of property.

33 The Patent Royalty Revision Board.

34 Payment of fair compensation under defective informal and quasi-contracts.

35 Termination and settlement of war contracts.

36 Renegotiation of contracts.

37 War Contracts Relief Board.

38 Navy Department Board of Contract Appeals.

40 Navy personnel claims.

41 Navy general claims.

42 Admiralty claims.

43 Foreign, non-combat claims.

44 Guam claims.

45 American Samoa Naval Defensive Sea Areas and Naval Airspace Reservations.

46 Guam Naval Defensive Sea Area and Naval Airspace Reservations.

50 Miscellaneous rules.

Subchapter A—Organization and Functions

PART 1—AUTHORITY, GENERAL ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

Sec.

1.1 Creation and authority.

1.2 The Naval Establishment.

1.3 The Navy Department.

1.4 Executive Office of the Secretary.

1.5 The bureaus.

1.6 Bureau of Aeronautics.

1.7 Bureau of Medicine and Surgery.

1.8 Bureau of Ordnance.

1.9 Bureau of Naval Personnel.

1.10 Bureau of Ships.

1.11 Bureau of Supplies and Accounts.

1.12 Bureau of Yards and Docks.

1.13 United States Marine Corps.

Sec.

1.14 The Office of the Judge Advocate General.

1.15 Material Division.

1.16 Office of Naval Research.

1.17 Staff of the Chief of Naval Operations.

1.18 The Shore Establishment.

1.19 Naval bases and naval air bases.

1.20 Naval Districts.

1.21 The Operating Forces.

AUTHORITY: §§ 1.1 to 1.21, inclusive, issued under sec. 1, 1 Stat. 553, secs. 3.12, 60 Stat. 238, 244; 5 U. S. C., and Sup., 411, 1002, 1011.

PART 1—AUTHORITY, GENERAL ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

§ 1.1 *Creation and authority.* (a) The Department of the Navy and the Office of the Secretary of the Navy were established by Act of Congress on April 30, 1798 (1 Stat. 553; 50 U. S. C. 411-412). The Department of the Navy was made a part of the National Military Establishment by the National Security Act of July 26, 1947 (Public Law 253, 80th Cong.) Section 206 of this act defines the organization and functions of the Department of the Navy in general terms as follows:

Sec. 206. (a) The term "Department of the Navy" as used in this Act shall be construed to mean the Department of the Navy at the seat of government; the headquarters, United States Marine Corps; the entire operating forces of the United States Marine Corps, including the reserve components of such forces; all field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Department of the Navy; and the United States Coast Guard when operating as a part of the Navy pursuant to law.

(b) In general the United States Navy, within the Department of the Navy, shall include naval combat and service forces and such aviation as may be organic therein. It shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It shall be responsible for the preparation of naval forces necessary for the effective prosecution of war except as otherwise assigned, and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation shall consist of combat and service and training forces, and shall include land-based naval aviation, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the United States Navy, and the entire remainder of the aeronautical organization of the United States Navy, together with the personnel necessary therefor.

The Navy shall be generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping.

The Navy shall develop aircraft, weapons, tactics, technique, organization and equipment of naval combat and service elements; matters of joint concern as to these functions shall be coordinated between the Army, the Air Force, and the Navy.

(c) The United States Marine Corps, within the Department of the Navy, shall include land combat and service forces and such aviation as may be organic therein. The Marine Corps shall be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land

operations as may be essential to the prosecution of a naval campaign. It shall be the duty of the Marine Corps to develop, in coordination with the Army and the Air Force, those phases of amphibious operations which pertain to the tactics, technique, and equipment employed by landing forces. In addition, the Marine Corps shall provide detachments and organizations for service on armed vessels of the Navy, shall provide security detachments for the protection of naval property at naval stations and bases, and shall perform such other duties as the President may direct. *Provided*, That such additional duties shall not detract from or interfere with the operations for which the Marine Corps is primarily organized. The Marine Corps shall be responsible, in accordance with integrated joint mobilization plans, for the expansion of peacetime components of the Marine Corps to meet the needs of war.

(b) The increased responsibilities and demands imposed by World War II necessitated a great expansion and alteration in the organization of, and distribution of functions within the Naval Establishment. With the cessation of hostilities a contraction accompanied by reorganization became inevitable. The task of adapting the Naval Establishment to peacetime requirements is still in process. The description of the organization and functions of the Naval Establishment must therefore be understood to be based upon a transitional and necessarily fluid situation. Subsequent changes in the organization and functions will be published in due course.

(c) The present organization and distribution of functions within the Naval Establishment is derived generally from Executive Order No. 9635 dated September 29, 1945 (3 CFR, 1945 Supp.) The organization and distribution of functions is further outlined in General Order No. 247 dated February 10, 1947, entitled "Policies and Principles Governing the Distribution of Authority and Responsibility for the Administration of the Naval Establishment." Copies of General Orders are available for inspection at the Navy Department, Washington, D. C., and at the offices of each of the naval districts.

(d) For a helpful general statement of the organization and distribution of the functions within the Naval Establishment, attention is invited to the United States Government Manual, the Congressional Directory, and a publication entitled "The United States Navy" all of which are for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. at a cost per copy of \$1.00, \$1.25 and \$5.00 respectively.

§ 1.2 *The Naval Establishment.* The Naval Establishment consists of three principal parts:

(a) The Operating Forces are the several fleets, seagoing forces, sea frontier forces, district forces, and such of the shore establishment of the Navy and other forces and activities as may be assigned to the operating forces by the President or Secretary of the Navy.

(b) The Navy Department, the executive part of the Naval Establishment located at the seat of the government, which comprises the bureaus, boards and offices of the Navy Department; the Headquarters of the Marine Corps; and

the Headquarters of the Coast Guard (when assigned to the Navy)

(c) The Shore Establishment, which comprises all other activities of the Naval Establishment including all shore activities not assigned to the Operating Forces.

§ 1.3 *The Navy Department.* The executive part of the Naval Establishment, the Navy Department, is organized in terms of its functions which are best understood by reference to the statement of fundamental naval policy: "To maintain the Navy as a thoroughly integrated entity in sufficient strength on the sea and in the air to uphold, in conjunction with our other Armed Forces, our national policies and interests, to support our commerce and our international obligations, and to guard the United States including its overseas possessions and dependencies" (General Order No. 247 dated February 10, 1947) From this fundamental policy evolve four basic tasks or functions, the responsibility for which has been distributed within the Navy Department. These tasks or functions are policy control, naval command, logistics administration and control, and business administration.

(a) *The Secretary.* The Naval Establishment is subject to the general direction and control of the President of the United States as Commander-in-Chief and of the Secretary of Defense as head of the National Military Establishment. The immediate direction and control, however, are exercised by the Secretary of the Navy. The Secretary retains the general responsibility for supervision of all naval affairs while delegating certain responsibilities to his naval and civilian executive assistants. The Secretary is directly responsible for the first of the four basic tasks or functions of the Navy Department, the task of policy control; additionally, he is directly concerned with relations with the public; morale; and budget matters. He communicates directly with all principal officials and officers of the Naval Establishment, as necessary or desirable, remaining available for direct consultation by such officials and officers. In the formulation and administration of naval policies, the Secretary avails himself of the advice and assistance of his principal executive assistants: the Civilian Executive Assistants; the Naval Command Assistant; and the Naval Technical Assistants.

(b) *The Naval Command Assistant.* (1) The second of the four basic tasks or functions of the Navy Department is that of Naval Command, which has been assigned to the Naval Command Assistant, whose official title is The Chief of Naval Operations, and who acts as the principal adviser to the President, the Secretary of Defense, and the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary of the Navy on the conduct of the activities of the Naval Establishment. He is a member of the War Council and the Joint Chiefs of Staff as provided in sections 210 and 211 of the National Security Act of 1947 (Pub. Law 253, 80th Cong.) Naval Command includes command of the

Operating Forces and the maintenance of such Forces in a state of readiness to conduct war. In the accomplishment of the foregoing, the Chief of Naval Operations is responsible under the Secretary of the Navy for the command and administration of the Operating Forces, for the preparation, readiness and logistics support of such Forces, and for the coordination and direction of efforts of the bureaus and offices of the Navy Department with respect to the foregoing. In the discharge of these responsibilities, the Chief of Naval Operations promulgates to the Naval Establishment directives embracing matters of operations, security, intelligence, communications, naval personnel discipline and similar matters affecting the naval maintenance and protection of the Naval Establishment.

(2) The third task in implementing fundamental naval policy, namely, that of Logistics Administration and Control, involves two distinct elements, the logistics of consumption, i. e., the planning, forecasting, determining and distributing of the requirements of the Operating Forces, and the logistics of production, i. e., the development, procurement, and production of the material and personnel required to meet the requirements of the Operating Forces. Although the two elements are interrelated and represent a continuous "cause and effect" relationship, it has been necessary, in the interest of efficient, orderly administration, to divide the responsibility for Logistics Administration and Control between the Chief of Naval Operations and the Civilian Executive Assistants aided by the Naval Technical Assistants. Accordingly, there has been delegated to the Chief of Naval Operations responsibility over the following:

(i) Planning and forecasting the needs of the Operating Forces for finished material, trained personnel and supporting services.

(ii) Issuing statements of these requirements—in as broad terms as practicable of what is needed, when it is needed and where it is needed—to the bureaus and offices of the Navy Department, and, through them, to the Shore Establishment. This responsibility encompasses the determination of naval characteristics for material to be procured or developed, and the determination of the training and instruction required to fit naval personnel and commands for service with the Operating Forces.

(iii) Reviewing and evaluating the progress of the bureaus and offices and of the Shore Establishment in fulfilling these requirements, and issuing such instructions as may be required to assure the requirements are met.

(iv) Collaborating with the Civilian Executive Assistants in expediting fulfillment of these requirements, in evaluating and strengthening the policies and procedures governing the determination of stock levels and replenishment requirements, and in the administration of inventory control systems.

(c) *The Civilian Executive Assistants.* The fourth task or function of the Navy Department, Business Administration,

and that portion of logistics administration and control not assigned to the Naval Command Assistant are delegated to the Civilian Executive Assistants to the Secretary. These Civilian Executive Assistants are the Under Secretary, the Assistant Secretary, the Assistant Secretary for Air, and the Administrative Assistant to the Secretary. An interim assignment of duties and responsibilities to the Civilian Executive Assistants, except the Assistant Secretary, has been made as follows:

(1) The Under Secretary, who is appointed by the President by and with the advice and consent of the Senate and who under present law (54 Stat. 494; 5 U. S. C. 421b) serves during a national emergency only, has been delegated the responsibility in accordance with law and Executive orders for legislative and legal activities of the Naval Establishment; the promulgation of policies and general procedures and the legal determinations governing (i) the procurement, production and utilization of matériel and facilities; the procurement, administration and utilization of civilian personnel; and (ii) the determination of stock levels and replenishment requirements in collaboration with the Chief of Naval Operations, and the administration of inventory control systems; and immediate supervision of the activities listed in § 1.4 (c)

(2) *The Assistant Secretary.* This office was created by an act of July 11, 1890 (26 Stat. 254; 5 U. S. C. 420) For the present, duties and responsibilities usually delegated to the Assistant Secretary have been assigned to the other Civilian Executive Assistants.

(3) *The Assistant Secretary for Air.* The Assistant Secretary for Air, appointed by the President by and with the advice and consent of the Senate (44 Stat. 767; 5 U. S. C. 421a) has been delegated the responsibility, in accordance with law and Executive orders, for all matters of the Naval Establishment relating to aeronautics (except as otherwise assigned to the Under Secretary), including the coordination of naval aeronautics with other governmental agencies; the correlation and programming of matériel research, experimental, test and development activities; and military personnel boards. In this connection, he supervises the Navy's participation on the Aeronautical Board and the Air Coordinating Committee (§ 1.4 (d) (1) and § 1.4 (d) (2)) He has immediate supervision of the activities of the Executive Office of the Secretary listed under § 1.4 (d)

(4) *The Administrative Assistant to the Secretary of the Navy.* The Administrative Assistant to the Secretary of the Navy, appointed by the Secretary, has been delegated the responsibility in accordance with law and Executive orders for the following part of the business administration of the Naval Establishment: Responsibility for general supervision of the accounts relating to the fiscal affairs of the Naval Establishment, including the expenditure of funds; and the responsibility for matters of organization, staffing, administrative procedures, and the utilization of personnel

in the Executive Office of the Secretary; and immediate supervision of the activities of the Executive Office of the Secretary listed under § 1.4 (e)

(d) *Naval Technical Assistants.* The Naval Technical Assistants are the chiefs of bureaus, the Chief of Naval Research, the Chief of the Material Division, the Judge Advocate General, and the Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) who are directly responsible for the discharge of all the duties assigned to their respective organizations, in accordance with the orders and directives of the Secretary, the Civilian Executive Assistants, and the Chief of Naval Operations; and are the technical advisers and assistants, in their special fields, to the Secretary, the Civilian Executive Assistants and the Chief of Naval Operations. In pursuance of the foregoing, the Naval Technical Assistants are immediately responsible, within the limits of their respective cognizance, for:

(1) The research in, and the development, procurement, production, utilization, and distribution of, material and facilities.

(2) The procurement, training, and administration, and assignment of personnel.

(3) The operation of all activities under their cognizance.

(4) The sound and legal expenditure of funds appropriated for the performance of their work, including the preparation of estimates for funds required to carry out approved plans and directives.

The Naval Technical Assistants perform these responsibilities through the organization of their respective bureaus and offices, which are described in detail in § 1.6 through § 1.16, inclusive.

NOTE: The discussion above has outlined in general terms the over-all organization of the Naval Establishment. A more detailed presentation of certain of its component parts is presented below.

§ 1.4 *Executive Office of the Secretary.* (a) *General.* To assist the Secretary and the Civilian Executive Assistants in the discharge of their functions and responsibilities, various Offices, Committees, Boards and Divisions have been created, which are directly responsible to and which act for the Secretary and his Assistants and which collectively constitute the Executive Office of the Secretary. Such Boards, Offices, Committees and Divisions generally assist the Secretary and such Assistants in the formulation of policy and in administration, and discharge for the Secretary and such Assistants specific functions as are from time to time assigned.

(b) *Boards, offices and committees under the direct supervision of the Secretary.*—(1) *General Board of the Navy.* The General Board was established March 13, 1900. It acts in an advisory capacity to the Secretary of the Navy. Its composition and duties are set forth in the U. S. Navy Regulations, 1920, Art. 393, par. 4, and Arts. 400-404, inclusive.

(2) *Office of Public Relations.* The mission of the Office of Public Relations is to keep the public informed of the activities of the Navy as an instrument of

national security. Its functions are to advise the Secretary of the Navy on policies relative to public relations and the dissemination of information; to initiate, coordinate and develop channels between the Navy and the public for the accomplishment of its mission; to stimulate public interest in naval activities by liaison with civilian organizations, and to coordinate and prepare for posterity historical accounts of the activities of the Navy and Marine Corps.

The Office of Public Relations is comprised of:

Public Information Division.
Civil Relations Division.
Naval History Division.

(3) *Military Liaison Committee to the Atomic Energy Commission (Navy participation)* The Military Liaison Committee was established on 17 January 1947. Its functions are set forth in the Atomic Energy Act of August 1, 1946 (60 Stat. 756; 42 U. S. C. 1802) as follows: "There shall be a Military Liaison Committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto, without additional compensation, by the Secretaries of War and Navy in such number as they may determine. The Commission shall advise and consult with the Committee on all atomic energy matters which the Committees deem to relate to military applications, including the development, manufacture, use and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the War and Navy Departments. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy, derived from the Constitution, laws and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs, he may refer the matter to the President, whose decision shall be final."

(4) *The Patent Royalty Revision Board.* (For procedures of this Board see Part 33 of this chapter.) (i) The Royalty Adjustment Act of 1942 (56 Stat. 1013; 35 U. S. C. 89-96) provides that whenever an invention, whether patented or unpatented, is manufactured, used, sold, or otherwise disposed of for the United States (in this case, the Navy Department) under the conditions set forth in the act, and the license under which this is done includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secretary of the Navy or his duly authorized dele-

gate, the Secretary or such delegate shall give written notice of such facts to the licensor and the licensee. The act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of the Navy or his authorized delegate by order shall fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition. Either the licensor or the licensee is privileged, if he so requests within ten days from the effective date of the notice, to present within 30 days from the date of his request, in writing or in person, any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid and the order fixing such rates and amounts of royalties shall be issued within a reasonable time after such presentation. The written notice shall be mailed to the last known address of the licensor and the licensee and shall be effective upon receipt, or five days after the mailing thereof, whichever date is earlier. The licensee is forbidden after the effective date of the notice to pay to the licensor or to charge directly or indirectly to the United States, a royalty in excess of that specified in the order. Certain provisions of the act grant an aggrieved licensor remedies which, in general, limit him to a claim against the United States in a suit in the Court of Claims, or in certain instances to a suit brought in a District Court of the United States.

(ii) Pursuant to the provisions of this act the Secretary of the Navy by letter dated March 1, 1943, as amended by letter dated January 2, 1945, and by letter January 2, 1946, established in the Navy Department a Patent Royalty Revision Board which is composed of a chairman and seven members selected and appointed by the Secretary of the Navy to serve for such terms as the Secretary shall designate. Any three members designated by the chairman may act in any matters as and for the entire Board.

(iii) The following powers were delegated to the Board by the Secretary of the Navy:

(a) To receive and hear such facts or circumstances as may be presented in writing or in person at a hearing held pursuant to section 1 of the act.

(b) To fix and specify by the order, in accordance with section 1 of the act, fair and just rates or amounts of royalties and to authorize the payment thereof by the licensee to the licensor. To supplement, modify, or revoke any order heretofore or hereafter issued. Such order, or any supplement, modification, or revocation of any such order may be executed on behalf of the Board by the Chairman or by a member of the Board designated by the Chairman.

(iv) In addition, the Secretary of the Navy delegated the following powers to

the Chairman of the Board or to any member of the Board designated by the Chairman:

(a) To execute and issue written notice to licensor and licensee pursuant to the provisions of section 1 of the act, and to withdraw any notice heretofore or hereafter issued under said section.

(b) To enter into and execute agreements with the owners or licensors of inventions or with contractors and subcontractors by the terms of which unreasonable or excessive rates or amounts are reduced to reasonable or unexcessive rates or amounts.

(c) To enter into and execute an agreement before suit against the United States has been instituted with the owner or licensor of an invention in full settlement and compromise of any claim against the United States accruing to such owner or licensor by reason of the manufacture, use, sale, or other disposition referred to in the act and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention.

(d) To supplement, modify, or revoke any order, heretofore or hereafter issued, as a term of an agreement entered into under § 1.4 (b) (6) (iv) (b) or (c)

(v) In directing that bureau assistance be given, the Secretary of the Navy accorded to the Chief of each Bureau or the Commandant of the Marine Corps the right to conduct voluntary negotiations where it had been determined, after investigations, that excessive rates or amounts of royalties were being paid and empowered such officers to enter into and sign agreements of settlement and compromise embodying the terms of such negotiations, subject, however, to the approval of such agreements by the Secretary of the Navy. Should such officers fail to successfully conclude negotiations within a reasonable time, or should they desire not to conduct such negotiations, then they should transmit promptly to the Patents and Inventions Division, of the Office of Naval Research written reports reciting the facts and circumstances surrounding an alleged unreasonable or excessive royalty.

(vi) Any question of unreasonable or excessive royalty coming before the Price Adjustment Board should be referred to the Office of Naval Research for determination and all findings of that Office as to the reasonableness of royalties shall be binding on the Price Adjustment Board.

(5) *War Contracts Relief Board*—(1) *Jurisdiction*. The War Contracts Relief Board was established on April 3, 1947, directly under the Secretary of the Navy with jurisdiction, under the provisions of the act of August 7, 1946 (60 Stat. 902) and Executive Order No. 9786 of October 5, 1946 (3 CFR, 1946 Supp.) to consider, adjust and settle equitable claims of contractors, including subcontractors and materialmen performing work or furnishing supplies or services to the contractor or another subcontractor, for losses (not including diminution of anticipated profits) incurred between September 16, 1940 and August 14, 1945 under contracts or subcontracts of any department or agency of the Government,

without fault or negligence on their part in the performance of such contracts or subcontracts.

As constituted, the Board is the designated central authority within the Navy Department, with power to consider, adjust and settle such claims and to make or approve the settlement of any such claim in each case in which the Navy Department is the war agency considering the claim pursuant to the Executive order. The Board also has the authority to grant in whole or in part, or to withhold, for the Navy Department, approval of that part of any proposed settlement by any other agency considering a claim which relates to contracts or subcontracts of the Navy Department and to make any and all determinations and findings for the Navy Department required by the act and the Executive order with respect to each claim filed thereunder.

Except for any reconsideration which the Board may in its discretion grant, any approval, finding, determination or settlement by the Board shall be final subject only to the provisions of section 6 of the act.

(ii) *Organization*. The Navy Department War Contracts Relief Board consists of three part-time members, appointed from time to time by the Secretary of the Navy. The Chairman of the Board is appointed to such capacity by the Secretary of the Navy. A majority of the members of the Board may at any time constitute a quorum thereof for the transaction of business. The Board shall be assisted by a recorder who shall attend all meetings of the Board and prepare and maintain an official minute record of its activities. The Board shall be further assisted by a staff of analysts, headed by a chief analyst to be appointed by the Board from among personnel of the Material Division, Office of the Assistant Secretary of the Navy.

The Board shall refer all questions of interpretation in respect to either the act or the Executive order to the Office of the General Counsel for the Navy Department, which office shall provide the Board with all necessary legal advice and assistance.

The rules and regulations pertaining to the claims for relief by contractors are in Part 37 of this chapter.

(6) *The Director Office of Budgets and Reports*. This Office has charge of the preparation and execution of the Navy Department's budget. It analyzes budget requirements; reviews and coordinates estimates; prescribes budget policies and procedures; supervises the preparation and submission of reports to the Bureau of the Budget and the Treasury Department covering the apportionment of funds and the status of obligations; administers personnel ceiling programs. The Office further conducts program audit to insure consonance with the policy under which appropriations were obtained, and is the representative of the Secretary of the Navy in all budget matters. This Office maintains close liaison with the Office of the Fiscal Director in its operations (see § 1.4 (e) (2))

(c) *Boards, offices, committees and divisions under the direct supervision of the Under Secretary*—(1) *Office of the Judge Advocate General*. The Office of the Judge Advocate General is under the direct supervision of the Under Secretary of the Navy. The organization and functions of this Office are described in § 1.14.

(2) *Munitions Board (Navy participation)*. This Board, which superseded the Army and Navy Munitions Board, was established pursuant to the National Security Act of 1947 (61 Stat. ----) It is comprised of a chairman, appointed from civilian life by the President, by and with the advice and consent of the Senate, and an Under Secretary or Assistant Secretary from each of the three military departments. It is the duty of the Board under the direction of the Secretary of Defense and in support of strategic and logistic plans prepared by the Joint Chiefs of Staff: (i) To coordinate the appropriate activities within the National Military Establishment with regard to industrial matters, including the procurement, production, and distribution plans of the departments and agencies comprising the Establishment; (ii) to plan for the military aspects of industrial mobilization; (iii) to recommend assignment of procurement responsibilities among the several military services and to plan for standardization of specifications and for the greatest practicable allocation of purchase authority of technical equipment and common use items on the basis of single procurement; (iv) to prepare estimates of potential production, procurement, and personnel for use in evaluation of the logistic feasibility of strategic operations; (v) to determine relative priorities of the various segments of the military procurement programs; (vi) to supervise such subordinate agencies as are or may be created to consider the subjects falling within the scope of the Board's responsibilities; (vii) to make recommendations to regroup, combine, or dissolve existing interservice agencies operating in the fields of procurement, production, and distribution in such manner as to promote efficiency and economy; (viii) to maintain liaison with other departments and agencies for the proper correlation of military requirements with the civilian economy, particularly in regard to the procurement or disposition of strategic and critical material and the maintenance of adequate reserves of such material, and to make recommendations as to policies in connection therewith; (ix) to assemble and review material and personnel requirements presented by the Joint Chiefs of Staff and those presented by the production, procurement, and distribution agencies assigned to meet military needs, and to make recommendations thereon to the Secretary of Defense; and (x) to perform such other duties as the Secretary of Defense may direct.

(3) *State-War-Navy Coordinating Committee (Navy participation)*. The State-War-Navy Coordinating Committee, organized December 19, 1944, is charged with coordinating the view of the three departments on politico-mili-

tary matters in which all have a common interest. Particular attention is paid to correlation of national policy with foreign policy.

(4) *Facilities Review Board.* The Board, established November 21, 1945, reviews and approves or disapproves all requests for new facilities projects for continental and overseas shore establishments. The Board may investigate any phase of the operating procedure of the shore establishments to insure more efficient use of facilities and may issue orders necessary or appropriate as a result of such investigation. Orders of the Board are construed as emanating from the Secretary of the Navy.

(5) *Material Division.* The Material Division is under the direct supervision of the Under Secretary. The organization and functions of this Office are described under § 1.15.

(6) *Navy Department Specifications Board.* This Board is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to two or more bureaus of the Navy Department.

(7) *Army-Navy Joint Specifications Board (Navy participation).* This Board, established under and directly responsible to the Army and Navy Munitions Board, is charged with the responsibility of fostering standardization and the establishment of uniform specifications for material common to the two services.

(8) *Navy Packaging Board.* This board is charged with the responsibility of standardization of packaging and packing methods, procedures, materials and tests where more than one bureau packs similar material.

(9) *Joint Army-Navy Packaging Board (Navy participation).* This board established under and directly responsible to the Army-Navy Munitions Board is charged with the responsibility of coordinating the activities of the Army Packaging Board and the Navy Packaging Board, to resolve differences between them and to insure the publication by the War and Navy Departments of uniform instructions relating to packaging and packing.

(10) *Office of the General Counsel.* The Office of the General Counsel provides all legal services for the Navy Department in connection with procurement, contract termination, property disposition, renegotiation and related matters. The Office of the General Counsel has additional legal duties as assigned from time to time by the Secretary and his Civilian Executive Assistants. At the head of the Office of the General Counsel is the General Counsel for the Department of the Navy, under whom are two Assistant General Counsel. A branch office designated the Office of Counsel, exists in each of the contracting bureaus, the Office of Naval Research, the Navy Price Adjustment Board, and the Office of the Fiscal Director. At the head of each branch office is a Counsel who reports directly to the Chief of the bureau or the Director of the office concerned, and to the Under Secretary of the Navy through the General Counsel. In addition to the foregoing, branch offices have been established in the field

at the following activities: Aviation Supply Office, Philadelphia; Navy Purchasing Office, New York; Army-Navy Medical Procurement Office, New York; and at Ships Store, New York. All such branch offices are available for consultation on the day-to-day legal problems and participate in the day-to-day activities of the bureaus and offices, in which they are located, thereby providing direct, on-the-spot legal services and representation, subject to the general supervision and overall coordination of the General Counsel.

(11) *Requirements Review Board.* The Requirements Review Board is responsible for assuring that balance is maintained within, and between Navy matériel and personnel procurement programs and for keeping procurement levels consistent with actual needs. The Requirements Review Committee assists the Requirements Review Board in the discharge of its responsibilities by keeping the major matériel and personnel procurement programs of the Navy under constant review. In performing this function, the Committee gives consideration to the conformity of these programs to strategic requirements, to rates of use and attrition and to inventory levels.

(12) *Office of Industrial Relations.* The Office of Industrial Relations, organized January 5, 1944, is responsible for the development of the Navy's personnel program for civilian employees and for advising and assisting bureaus, offices, and shore establishments in the application of the program. It is concerned with all matters relating to the employment, assignment, transfer, promotion, separation, efficiency rating, and training of civilian employees, as well as those relating to wage administration, classification, employee relations, safety engineering and allowances of personnel for civilian billets. It is responsible for coordinating the Department's over-all personnel program so that uniform standards are maintained throughout. Procedures under which this Office operates and compilation of the laws and policies governing its actions are contained in the Navy Civilian Personnel Instructions.

(13) *Industrial Survey Division.* The Industrial Survey Division, organized June 20, 1944, acts to keep the Secretary of the Navy informed as to the efficiency of operation and utilization of manpower of the industrial activities of the shore establishments of the Naval Establishment, including the effective use of personnel engaged in industrial work.

(14) *Naval Petroleum Reserves.* The Office of Naval Petroleum Reserves was established in 1927 as a part of the Secretary's Office. A directive dated June 6, 1944, which redefined the duties and functions of this Office, established the Office of the Director of Naval Petroleum and Oil Shale Reserves to take custody and charge on behalf of the Secretary of the reserves created by law; to formulate plans and programs for the exploration, prospecting, protection, conservation, development, use, and operation of such reserves, and for the production of oil therefrom, and to make recommendations to the Secretary with respect there-

to; to execute such plans and programs as are duly approved; and to consult with the bureaus and other offices of the Navy Department and other Government departments and agencies to the extent necessary for the administration and control of such reserves, and for obtaining production therefrom.

Jurisdiction over and administration of the naval petroleum and naval oil shale reserves is vested in the Secretary of the Navy by the acts of Congress approved June 4, 1920 (41 Stat. 813), June 30, 1933 (52 Stat. 1253) June 17, 1944 (58 Stat. 280) and July 6, 1945 (59 Stat. 465) all as set forth in 34 U. S. C., and Sup. 524.

(d) *Boards, offices, and committees under the direct supervision of the Assistant Secretary of the Navy for Air—(1) Aeronautical Board (Navy participation).* The Aeronautical Board, reorganized pursuant to General Order No. 224, dated October 26, 1945, is charged with investigation, study and report upon all questions affecting jointly the development of aviation of the Army and of the Navy referred to it by the Secretary of War, the Secretary of the Navy, the Commanding General, Army Air Forces, the Deputy Chief of Naval Operations (Air), or the Chief of the Bureau of Aeronautics, and on its own initiative when in its judgment necessary. The Board is further charged with recommending whatever action it considers essential to establish sufficiency and efficiency of co-operation and coordination of effort between the Army and Navy as to aviation.

(2) *Air Coordinating Committee (Navy participation).* This Committee, established by action of the heads of the Departments concerned on April 19, 1945, includes representatives of the State, War, Navy, Commerce, and Post Office Departments and the Civil Aeronautics Board. The Bureau of the Budget has a non-voting representative on this committee. Its purpose is to enable and foster consultation and coordinated action by the departments and agencies of the Federal Government charged with responsibilities in the aviation field. Its functions are to examine international and domestic aviation problems and developments affecting more than one department or agency, to coordinate activities of the interested departments or agencies and to recommend integrated policies and action.

(3) *Office of Naval Research.* The Office of Naval Research is under the direct supervision of the Assistant Secretary of the Navy for Air. The organization and functions of this Office are described in § 1.16.

(4) *Research and Development Board (Navy participation).* This Board, which superseded the Joint Research and Development Board, was established pursuant to the National Security Act of 1947 (61 Stat. ____). It is comprised of a chairman, appointed from civilian life by the President, by and with the advice and consent of the Senate, and two representatives from each of the Departments of the Army, Navy, and Air Force, who are designated by the Secretaries of their respective departments. The Board, under the direction of the Secretary of Defense, has the following re-

sponsibilities: (i) to prepare a complete and integrated program of research and development for military purposes; (ii) to advise with regard to trends in scientific research relating to national security and the measures necessary to assure continued and increasing progress; (iii) to recommend measures of coordination of research and development among the military departments, and allocation among them of responsibilities for specific programs of joint interest; (iv) to formulate policy for the National Military Establishment in connection with research and development matters involving agencies outside the National Military Establishment; (v) to consider the interaction of research and development and strategy, and to advise the Joint Chiefs of Staff in connection therewith; and (vi) to perform such other duties as the Secretary of Defense may direct.

(5) *Office of Savings Bonds.* The function of the Office of Savings Bonds is to develop and operate a planned savings program whereby military and civilian personnel may acquire U. S. Savings Bonds through regular reservations through their pay. This office is directed by the Coordinator for Savings Bonds who reports to the Secretary of the Navy in matters pertaining to policy and promotion of Savings Bond investments and to the Chief of Bureau of Supplies and Accounts in matters pertaining to the issue of and accounting for bonds sold.

(6) *Board for the Correction of Naval Records.* The Secretary of the Navy was authorized by section 207 of the Legislative Reorganization Act of Aug. 2, 1946 (60 Stat. 812-852) to establish a board of civilian officers or employees of the Navy Department to correct any naval record where in their judgment such action is necessary to correct an error or remove an injustice. The Board for the Correction of Naval Records was established by a precept of the Secretary of the Navy dated February 24, 1947. The administrative regulations and procedures prescribed to carry out the duties authorized by this act are set forth under Part 24 of this chapter.

(7) *Board of Decorations and Medals.* The Board of Decorations and Medals, originally established on October 14, 1927, as the Permanent Board of Awards, and now operating in accordance with its latest precept dated August 26, 1945, makes recommendations to the Secretary of the Navy on the following subjects: (i) Appropriate awards of decorations, letters of commendation, and eligibility for campaign medals for those persons in the Naval Service who have been recommended by proper authority. (ii) Legislative matters, General Orders, and Executive Orders concerning decorations, awards, and campaign medals including any changes therein. (iii) Benefits afforded to naval personnel by reason of legislation authorizing promotion in rank or grade upon retirement or on the retired list in view of previous commendations. (iv) Design of medals and appurtenances. (v) Definition of policies for guidance to whom authority to make certain awards is delegated. (vi) All other matters concerning decorations

and medals which are referred to by competent authority.

(8) *Naval Sentence Review and Clemency Board.* The Naval Sentence Review and Clemency Board was convened by precept of the Acting Secretary of the Navy dated 17 April 1947, and on that date assumed the functions of the Naval Clemency and Prison Inspection Board. The Board reviews General Courts Martial sentences and other disciplinary matters requiring action of the Secretary of the Navy. The Board considers applications of Naval prisoners for clemency and for restoration to duty. Members of the Board make inspections of Naval places of confinement for Naval prisoners. The Board makes recommendations to the Secretary who has final action in all matters coming under the cognizance of the Board.

(9) *Board of Review, Discharges and Dismissals.* The Navy Department Board of Review, Discharges and Dismissals, was established by precept dated July 22, 1944, pursuant to section 301 of the Servicemen's Readjustment Act of 1944, approved June 22, 1944 (58 Stat. 286; 38 U. S. C. Sup. 693h) for the purpose of reviewing discharges and dismissals (except discharges and dismissals imposed as a result of sentences of general courts martial) of former personnel of the Navy and the Marine Corps to determine whether such discharges and dismissals were in conformity with reasonable standards of naval law and discipline, and where appropriate, to make recommendations to the Secretary of the Navy for modification. (For statement of this Board's procedures, see Part 25 of this title.)

(10) *Retirement Advisory Board.* This Board, originally established January 16, 1947, advises the Secretary of the Navy on appropriate action concerning (i) the findings and recommendations of any Medical Survey Review Board or Naval Retiring Review Board upon which final action has not been taken by the President, at the request of any Reserve of the Naval Service whose case has been considered by any such Board, or on its own motion; (ii) the claim of any Retired or Reserve officer that he has been returned to inactive duty without adequate opportunity to be considered for physical disability retirement, except in a case involving a Reserve officer who is eligible to have his case considered by a Medical Survey Review Board; and (iii) other matters concerning medical surveys, disability retirement, and related subjects as may be referred to the Board by the Secretary of the Navy.

At the request of the Board, the Chief of Naval Personnel, the Commandant of the Marine Corps, and the Chief of the Bureau of Medicine and Surgery will refer to the Board such records as may be required by the Board for a proper review of cases before it.

The proceedings of the Board will be conducted so far as is practicable in accordance with instructions governing Boards of Medical Survey and Retiring Boards. Nothing in this paragraph shall, however, limit the authority of the Board to proceed informally and without making a written record or re-

port in such cases as it deems such procedure desirable.

(11) *Naval Retiring Board.* The Naval Retiring Board, organized pursuant to the act of August 3, 1861 (R. S. 1443; as amended 34 U. S. C. 381, et seq.), conducts the examinations of such officers of the line and staff corps of the U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve as may be ordered to appear before it, or whose case may be referred to it by the Secretary of the Navy, to determine their physical fitness to perform all of the duties appropriate to their respective ranks or grades (commonly referred to as examinations for physical incapacity retirements)

(12) *Naval Retiring Review Board.* The Naval Retiring Review Board, organized September 6, 1944, pursuant to Section 302 (a) of the Servicemen's Readjustment Act of 1944 (58 Stat. 287, as amended; 38 U. S. C. Sup. 693i), was established for the purpose of reviewing and reporting on the findings and decision of any naval retiring board by reason of which any naval officer is retired or released to inactive service without pay. The Board's authority extends only to those individuals who request review within time limits specified in the act. (For statement of this Board's procedures, see Part 23 of this chapter.)

(13) *Navy Medical Survey Review Board.* The Navy Medical Survey Review Board was established on February 4, 1946, by the Secretary of the Navy in compliance with section 302 (a) of the Servicemen's Readjustment Act of 1944 (58 Stat. 287, as amended; 38 U. S. C. Sup. 693i). The Board reviews and reports upon the findings and recommendations of any Board of Medical Survey by reason of which any person who, while serving as an officer of the Navy or Marine Corps, or of the reserve components thereof, has been or may be retired or released from active service without pay. By the provisions of 58 Stat. 287 as amended, 38 U. S. C. 693i, the Board's authority is extended only to those individuals who request review within the limit prescribed in that act.

An applicant should address his request for review of his case before this Board to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate. (For statement of this Board's procedures, see Part 22 of this chapter.)

(14) *Board of Medical Examiners.* The Board of Medical Examiners, organized pursuant to law (14 Stat. 344; 34 U. S. C. 271) conducts the physical examinations of officers of the line and staff corps, U. S. Navy, Naval Reserve, Marine Corps, and Marine Corps Reserve, to determine their physical qualifications for promotion, appointment or advancement.

(15) *Naval Examining Board (Line).* The Naval Examining Board (Line), organized pursuant to the act of April 21, 1864, as amended (30 Stat. 1005; 34 U. S. C. 274) conducts the professional examinations of line officers, including warrant and chief warrant officers of the U. S. Navy, for promotion; and for appointment, transfer, and promotion of the U. S. Naval Reserve; competitive examinations of warrant and chief warrant

officers for appointment to commissioned ranks of ensign, lieutenant (junior grade) and lieutenant of the Regular Navy competitive examinations of enlisted personnel for appointment to warrant ranks of the Regular Navy and examinations of records of chief warrant officers, Regular Navy and Naval Reserve for Certificate of Creditability of Record.

(16) *Naval Examining Board (Medical)* The Naval Examining Board (Medical) organized pursuant to the act of April 21, 1864, as amended (30 Stat. 1005; 34 U. S. C. 271, et seq.) conducts the professional examinations of Medical Corps officers of the U. S. Navy and Naval Reserve for promotion to the grades of commander and captain, Medical Corps. The examinations of officers for promotion to the grade of rear admiral, Medical Corps, are customarily conducted by a special examining board composed of officers of the grade of rear admiral of which the President of this Board is a member.

(17) *Naval Examining Board (Supply)* The Naval Examining Board (Supply Corps) organized pursuant to the act of April 21, 1864, as amended (30 Stat. 1005; 34 U. S. C. 271, et seq.) conducts examinations of candidates for original appointment to the Supply Corps of the U. S. Navy and the U. S. Naval Reserve, and for appointment as acting pay clerk and pay clerk, U. S. Navy.

(e) *Boards, offices, and committees under the direct supervision of the Administrative Assistant to the Secretary of the Navy*—(1) *Administrative Office.*

The Administrative Office, Navy Department, is responsible to the Secretary for the general administration and business management of the Department, and administers certain appropriations and management programs applying to the Naval Establishment.

It is responsible for Departmental civilian personnel administration and for Departmental management services, including building space and maintenance, security of buildings and grounds, mail, telephone, office equipment and supplies, warehousing, duplicating, civilian payrolls, transportation, and employee health and welfare activities. It also provides personnel, administrative and general office services for the Secretary's Office and the Executive Office of the Secretary.

Appropriations assigned for fiscal administration include those for travel of civilians, pay of civilian employees in Naval Districts, newspapers and periodicals, postage, microfilming, Departmental office supplies and equipment, printing and binding, contingencies of the Navy, and civilian salaries in the Secretary's Office and the Executive Office of the Secretary.

Management programs administered for the Naval Establishment include the reduction and control of reports, forms control, correspondence and records management; records disposal, use and application of microphotography, staff assistance on office systems and procedures and printing and publications

control. It also operates Microfilming Plants, Records Management Centers, District Records Management Offices, District Publications and Printing Offices, and Regional Publications Distribution Centers.

(2) *Office of the Fiscal Director.* This office, organized December 2, 1944, formulates, establishes, supervises and coordinates all policies and procedures affecting the finance, accounting and auditing activities of the Navy Department; prescribes the type and content of all accounting and finance records to be kept by the Bureaus, Boards, and Offices of the Navy Department, and the U. S. Marine Corps; prepares statistical fiscal status reports; arranges for financing inter-departmental programs, and administers advance payments, guaranteed loans and progress payments. This Office maintains close liaison with the Director, Office of Budgets and Reports (see § 1.4 (b) (6)) in its operations.

With the exception of the Finance Division, the functions of this office relate solely to the internal management of the Navy.

(3) *Office of the Management Engineer.* The Office of the Management Engineer, formerly a branch of the Industrial Survey Division, was organized as a separate entity on May 29, 1946. This office advises and assists in the discharge of responsibilities with respect to "business administration" It reviews, plans, coordinates, integrates and evaluates on a continuing basis, management planning and control throughout the Navy Department and the Shore Establishment; assists the heads of major activities in developing, training and establishing programs for their work, and develops criteria and techniques for appraising performance.

§ 1.5 *The bureaus.* (a) The bureau scheme of functional organization in the Navy Department can be considered as dating from an 1842 Act of Congress (5 Stat. 579; 5 U. S. C. 429) establishing the Bureau of Provisions and Clothing, the Bureau of Yards and Docks, the Bureau of Construction, Equipment and Repair, the Bureau of Ordnance and Hydrography, and the Bureau of Medicine and Surgery. Subsequent Acts of Congress have consolidated, abolished, created, renamed and redefined the functions of the Bureaus. The present Bureaus are as set forth in 5 U. S. C. 429, which reads as follows:

Except as otherwise provided in this chapter, the business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following bureaus:

- First. A Bureau of Yards and Docks.
- Second. A Bureau of Naval Personnel.
- Third. A Bureau of Ordnance.
- Fourth. A Bureau of Supplies and Accounts.
- Fifth. A Bureau of Medicine and Surgery.
- Sixth. A Bureau of Aeronautics.
- Seventh. A Bureau of Ships.

(b) Collectively, the Chiefs of the Bureaus, together with the Judge Advocate General, the Chief of Naval Research, the Chief of the Material Division, the

Commandant of the Marine Corps, and the Commandant of the Coast Guard (when assigned to the Navy) constitute the Secretary's Naval Technical Assistants whose functions are described in § 1.3 (d)

(c) The organization and functions of the Bureaus of the Navy Department, the Marine Corps, the Office of the Judge Advocate General, the Office of Naval Research and the Material Division are described in detail in §§ 1.5 to 1.15, inclusive.

§ 1.6 *Bureau of Aeronautics.* (a) The duties of the Bureau of Aeronautics are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430) The Bureau is directed by the Chief of the Bureau of Aeronautics who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (42 Stat. 140; 5 U. S. C. 452)

(b) The Bureau performs the following functions:

(1) The Bureau of Aeronautics is charged with such matters pertaining to naval aeronautics as may be prescribed by the Secretary of the Navy.

(2) To facilitate the formulation of operating plans the Bureau of Aeronautics makes recommendations to the Chief of Naval Operations as to the technical characteristics and limitations, and the available manufacturing sources, of naval aircraft and naval aviation equipment.

(3) It conducts research, makes tests, and participates with other Government agencies and with industry in the design, development, and improvement of naval aircraft and aviation equipment.

(4) It contracts for naval aircraft and aviation equipment of a technical specialized nature.

(5) It provides for plant facilities as necessary to meet production programs.

(6) It schedules, in accordance with requirements, the production of naval aircraft and naval aviation equipment and assists manufacturers in the production thereof, to the end that the various items may be delivered in the quantities, of the qualities, and at the times required.

(7) It collaborates with the Bureau of Yards and Docks in the design, construction, and alteration of all aeronautical shore establishments, and maintains and repairs such establishments.

(8) It initially outfits and thereafter replenishes with aeronautical equipment and material all bases afloat and ashore from which naval aircraft operate.

(9) It supervises the service, repair, overhaul and salvage of naval aircraft and aviation equipment.

(10) It redistributes Government-owned material and settles termination claims under its cognizance.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.

Deputy & Assistant Chief of the Bureau of Aeronautics.

Executive Office.

Counsel.

Military Requirements Division.

Plans Coordination Division.

Fiscal Division.

Personnel Division.

Administrative Services Division.

Assistant Chief for Research and Development.

Technical Data Division.

Experimental Program Division.

Design Research Division.

Design Coordination Division.

Assistant Chief for Design and Engineering.

Design Elements Division.

Piloted Aircraft Division.

Pilotless Aircraft Division.

Power Plant Division.

Armament Division.

Electronics Division.

Airborne Equipment Division.

Ships Installation Division.

Assistant Chief for Matériel and Services.

Procurement Division.

Shore Establishments Division.

Maintenance Division.

Inspection Division.

Supply Division.

Publications Division.

Photographic Matériel Division.

Each Division in the Bureau is headed by a director and is generally subdivided into Branches and Sections.

(d) In the field, the Bureau of Aeronautics has decentralized its functions by establishing three district field offices and representatives; the Bureau of Aeronautics General Representatives (BAGR's) for Eastern District, Central District, and Western District. These regional representatives have general cognizance in their respective districts of all matters pertaining to the production of aircraft (both heavier and lighter-than-air) and aircraft accessories, equipment, devices, material and all related operational equipment and other projects forming a part of the over-all Bureau of Aeronautics program.

In performing the Bureau's functions in the field the three General Representatives work through and supervise the activities of numerous local representatives, frequently located at the plants of major aviation contractors. These local representatives, called Bureau of Aeronautics Representatives (BAR's) and Bureau of Aeronautics Resident Representatives (BARR's) assist contractors under their jurisdiction for the purpose of expediting the various Bureau production programs and provide on-the-spot Bureau contacts to coordinate all contacts (correspondence, visits to contractors' plants, and other representations) required by the various Bureau divisions.

In addition to the Representative mentioned above, the Bureau has various technical field activities for conducting research, development and engineering programs (including modification and testing work) for administering the aeronautical supply program, and for the maintenance and servicing of aircraft.

§ 1.7 *Bureau of Medicine and Surgery.* (a) The duties of the Bureau of Medicine and Surgery are performed under the authority of the Secretary of

the Navy and its orders are considered as emanating from him and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Surgeon General (Chief of the Bureau) who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (12 Stat. 587; 5 U. S. C. 451).

(b) The Bureau performs the following functions:

(1) It is charged with and responsible for the maintenance of the health of naval personnel, for the care of the sick and injured, for the custody and preservation of the records, accounts, and properties under its cognizance and pertaining to its duties and for the professional and educational training of officers, nurses and enlisted personnel of the Medical Department.

(2) It is charged with the management and control of all Naval hospitals, medical supply depots, medical laboratories, the National Naval Medical Center, and of all technical schools established for the education or training of members of the Medical and Dental Corps, Nurse Corps and Hospital Corps and with their upkeep and operation.

(3) It provides for the inspection of the sanitary condition of the naval service and recommends with respect to all questions connected with hygiene and sanitation affecting the service; it advises with the other Bureaus regarding the sanitary features of ships under construction and in commission, regarding berthing, ventilation, and location of quarters for the care and treatment of the sick and injured; as to provisions for the care of wounded in battle; and in the case of shore stations with regard to health conditions depending on location, the hygienic construction and care of public buildings, especially of barracks and other habitations such as camps. It also advises concerning clothing and food, water supplies used for drinking, cooking and bathing purposes, and drainage and disposal of wastes so far as these affect the health of the naval personnel. It safeguards personnel by the employment of the best methods of hygiene and sanitation, both afloat and ashore with a view to maintaining the highest possible percentage of the personnel ready for service at all times, and adopts for use such devices or procedures developed in the sciences of medicine and surgery as will in any way increase military efficiency.

(4) It provides for the physical examination of officers, nurses, and enlisted personnel with a view to the selection or retention of only those whose physical conditions is such as to maintain or improve the military efficiency of the service if admitted or retained therein; it passes upon the professional competence of all personnel of the Hospital Corps and upon the provisions for enrollment in, transfer to, and promotion in this Corps.

(5) It recommends to the Bureau of Naval Personnel the complement of Medical Department personnel for hospitals and hospital ships and also recommends and has information as to the assign-

ment and duties of the personnel of the Medical and Dental Hospital Corps. It is charged with the administration of the Nurse Corps and has power to appoint and remove all nurses subject to the approval of the Secretary of the Navy.

(6) It has control of the preparation, reception, storage, care, custody, transfer and issue of all supplies of every kind used in the Medical Department for its own purposes; and has charge of the civilian force employed at Naval hospitals, medical supply depots, medical laboratories, the National Naval Medical Center, and at all technical schools for the education and training of medical department personnel.

(7) It approves the design of hospitals and other shore establishments and of hospital ships in relation to their efficiency for the care of the sick and wounded and provides for the organization and administration of the Medical Department of shore establishments and vessels.

(8) It arranges for care, transportation and burial of the dead.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau of Medicine and Surgery (The Surgeon General).

Legal Assistant to the Surgeon General.

General Inspector, Medical Department.

General Inspector, Dental Service.

Red Cross Liaison Office.

Deputy and Assistant Chief of Bureau.

Administration Division.

Public Information Division.

Finance Division.

Medical Statistics Division.

Assistant Chief of Bureau for Professional and Personnel Operations.

Professional Division.

Preventive Medicine Division.

Physical Qualifications and Medical Records Division.

Personnel Division.

Publications Division.

Coordinator of Naval Medical Reserve Program.

Assistant Chief of Bureau for Planning and Logistics.

Planning Division.

Matériel Division.

Naval Medical Matériel Board.

Assistant Chief of Bureau for Dentistry.

Dental Division.

Assistant Chief of Bureau for Research and Medical Military Specialties.

Research Division.

Amphibious and Marine Corps Field Medicine Division.

Submarine Medicine Division.

Atomic Defense Division.

Special Weapons Medicine Division.

Aviation Medicine Division.

§ 1.8 *Bureau of Ordnance.* (a) The duties of the Bureau of Ordnance are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Ordnance who is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (30 Stat. 373; 5 U. S. C. 447).

(b) The Bureau performs the following functions:

(1) The Bureau of Ordnance is charged with and responsible with respect to vessels and aircraft for the design, manufacture, procurement, maintenance, issue, and efficiency of all offensive and defensive arms and armament (including armor, torpedoes, mines, depth charges, pyrotechnics, bombs, ammunition, war explosives, war chemicals, defensive nets, booms and buoys, plus anchors, moorings, and appliances therefor except fixtures on shore used to secure the ends of nets and booms) and, except as specifically assigned to other cognizance, optical and other devices and material for the control of guns, torpedoes, and bombs.

(2) It is charged with the upkeep and operation of the following naval ordnance establishments and with their repairs within the capacity of the force employed:

Naval Gun Factories, Naval Ordnance Plants, Naval Torpedo Stations, Naval Proving Grounds, Naval Powder Factories, Naval Ammunition Depots, Naval Magazines on Shore, Naval Mine Depots, Naval Net Depots, Naval Ordnance Test Stations, Naval Mine Warfare Test Stations, Naval Ordnance Laboratories, Naval Degaussing and Naval Demining Stations.

(c) To perform the functions for which the Chief of the Bureau is responsible the Bureau is organized as follows:

Chief of the Bureau of Ordnance.

Deputy and Assistant Chief of the Bureau of Ordnance.

Assistant Chief for Naval Ordnance Establishments.

Naval Ordnance Establishments Division.

Assistant Chief for Planning and Progress.

Planning and Progress Division.

Assistant Chief for Research.

Research and Development Division.

Administrative Division.

Financial Division.

Fleet Maintenance Division.

Production Division.

Quality Control Division.

Inspector of Naval Ordnance Establishments.

Special Board on Naval Ordnance.

Counsel for the Bureau.

(d) The Bureau of Ordnance maintains in the field Naval inspectors of Ordnance who are administratively responsible to the Field Operation Branch, Material Division, Office of the Assistant Secretary, and are also responsible to the Chief of the Bureau of Ordnance with respect to technical matters under his cognizance. This force is maintained for the inspection of arms and armament and of the materials entering into and the methods and procedures employed in their manufacture. It interprets and enforces strict compliance with the specifications and other contractual obligations for the manufacture, production, assembly and testing of ordnance and ordnance equipment.

§ 1.9 Bureau of Naval Personnel. (a) The duties of the Bureau of Naval Personnel are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430)

The Bureau is directed by the Chief of Naval Personnel who is appointed by the

President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432) The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (56 Stat. 276; 5 U. S. C. 446)

(b) The Bureau performs the following functions:

(1) The Bureau of Naval Personnel is charged with, and responsible for, the procurement, education, training, discipline, promotion, welfare and morale, and distribution of officers and enlisted personnel of the Navy, including the Naval Reserve and the Reserve Officers' Training Corps, except the professional education of officers, nurses, and enlisted personnel of the Medical Department and except all phases of aviation training and the operational training of personnel as units of a ship's company.

(2) It is responsible for libraries on ships and in shore stations throughout the Naval Establishment.

(3) It is charged with the upkeep and operation of the following, and with their repair:

Naval Academy.

Postgraduate Schools.

Naval War College. (Limited to the extent prescribed in § 1.17 (h)).

Schools for the training of naval personnel.

Training stations.

Naval Home.

Naval Reserve Shore Activities.

Armed Forces Staff College.

and with the direction of receiving ships and stations.

(4) It issues, records, and enforces the orders of the Secretary of the Navy to the individual officers of the Navy and of the Naval Reserve.

(5) It has under its direction recruiting stations, and supervises the enlistment and discharge of all enlisted persons.

(6) It is charged with the operation of the Navy Separation Activities.

(7) It has under its direction the responsibility for the development and coordination of the plans for the naval reserve programs (see Part 14 of this chapter) and for the coordination of the implementation and operation thereof, embracing the organized reserve and volunteer reserve (except training of aviation component) and the Merchant Marine Reserve.

(8) It has cognizance of transportation for all naval personnel and dependents except Marine Corps personnel and dependents.

(9) It establishes the complements and allowances of ships and shore activities.

(10) It keeps the records of service of all officers and enlisted personnel, prepares an annual Navy Register and a Naval Reserve Register at intervals as directed by the Chief of Naval Personnel.

(11) It is charged with all matters pertaining to application for appointments and promotions in the Navy and with the preparation of such appointments and promotions for signature.

(12) It is charged with the preparation, revision, and enforcement of all regulations governing uniforms, and with the distribution of general orders and regulations.

(13) Questions of naval discipline, rewards, and punishments are submitted by this Bureau for action of the Secretary of the Navy. The records of all general courts martial and courts of inquiry involving the personnel of the Navy are, before final action, referred to this Bureau for comment and recommendation as to disciplinary features.

(14) It receives all reports of service performed by individual officers or enlisted personnel.

(15) It is charged with the establishment of regulations and instructions regarding naval ceremonies and naval etiquette.

(16) It is charged with the administration of the Servicemen's Dependents Allowance Act of 1942 (56 Stat. 331, as amended by 57 Stat. 577; 37 U. S. C., Sup., 201 et seq.) the Missing Persons Act (56 Stat. 145, 50 U. S. C., App., Sup., 1001 et seq.) the Mustering Out Payment Act of 1944 (58 Stat. 8; 38 U. S. C., Sup., 691-691g) and makes certain determinations under the Pay Readjustment Act of 1942, (56 Stat. 359, 1037, 57 Stat. 13, 219, 571, 58 Stat. 682; 37 U. S. C., Sup., 101-120), and the Act of June 4, 1920, as amended (41 Stat. 812, 824; 34 U. S. C. 943) providing for payment of the Six Months' Death Gratuity (for discussion of these subjects, see Parts 16, 17, and 18 of this chapter.)

(17) It is charged with the responsibility for the maintenance of all records concerning medals and awards; also the transmission of all decorations, citations, and commendatory letters issued by the Secretary of the Navy or delegated authority; the procurement of medals and appurtenances thereto; the preparation and promulgation of all data relative to eligibility of personnel for campaign and service medals and engagement stars.

(18) It is charged with the supervision and control of naval places of confinement and prisoners, including prisoners of war, and with the cognizance and responsibility for the preparation of the estimates, the justifications, and the administration of that part of the appropriation "Miscellaneous Expenses, Subhead" relating thereto.

(19) It is charged with the administration of the Navy's Government Insurance program, and liaison with the Red Cross and civilian welfare agencies.

(20) It is charged with the cognizance of and the responsibility for the preparation of the estimates, justification, and the administration of that part of the appropriation "Pay, Subsistence of Naval Personnel" relating to pay, and all of the appropriation "Transportation and Recruiting of Naval Personnel"

(21) It shall be charged with the regulation of officers' messes, aviation cadet messes, chief petty officers' messes, and officers' and enlisted men's clubs, on shore, except those under the cognizance of the Marine Corps.

(22) It shall be charged with the supervision of the welfare and recreational activities of the naval service except those under the cognizance of the Marine Corps, and with the supervision of libraries for the naval service and Marine Corps.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of Naval Personnel:

Deputy and Assistant Chief of Naval Personnel.

Management Adviser.
General Inspector.
Director of Research.
Director of Women's Reserve.
Director of Public Information.
Director of Congressional Liaison.
Chief of Chaplains and Director of Chaplain Activity.
Bureau Counsel.

Assistant Chief of Naval Personnel (Plans).
Planning and Control Activity.

Fiscal Activity.
Records Activity.
Naval Academy.
Tabulated Records Division.
Officer Records Division.
Enlisted Records Division.
Miscellaneous Records Division.

Assistant Chief of Naval Personnel (Operations).

Separation Activity.
Officer Personnel Activity.
Officer Distribution Division.
Officer Performance Division.
Officer Procurement Division.

Enlisted Personnel Activity.
Recruiting Division.
Enlisted Distribution Division.
Enlisted Performance Division.

Medals and Awards Activity.
Decorations Division.
Service Medals Division.

Transportation Activity.
Traffic Division.
Claims Division.

Bill Adjustments and Reports Division.
Assistant Chief of Naval Personnel (Training and Welfare).

Training Activity.
Field Administration Division.
Standards and Curriculum Division.
Training Aids Division.

Welfare Activity.
Corrective Services Division.
Special Services Division.
Informational Services Division.
Dependents Welfare Division.

Assistant Chief of Naval Personnel (Reserves).

Each activity and each division in the Bureau is headed by a director and each division is further subdivided into sections and units of the sections. In addition to the foregoing, the Bureau of Naval Personnel is represented in the field by certain individuals and activities generally constituting a part of the Shore Establishment. (See § 1.18.)

(d) In each of the Naval Districts, on the staff of the Commandant is an Assistant Chief of Staff (Personnel) who represents the Chief of the Bureau in the field and advises the Commandant on matters pertaining to functions within the cognizance of the Bureau. The Assistant Chief of Staff (Personnel) is in turn assisted by the following officers: (1) Director of Distribution, (2) Director of Training, (3) Director of Naval Reserve, (4) Director of Welfare, (5) Director of Chaplains, and (6) District Director of Women's Reserve, who act as liaison officers between the Bureau in Washington and the activities in the Naval Districts.

(e) Offices of the Naval Officer Procurement, located throughout the country receive and process applications for enrollment from civil life of candidates

for the Naval Aviation College Program (Part 13 of this chapter) and Naval Reserve Officers Training Corps (Part 12 of this chapter) and for enlistment and appointment in the Waves and do the preliminary processing of applications for commissions in the Naval Service. These offices also receive applications for enrollment as midshipmen (inactive) of the Naval Reserve, of enrollees and accepted candidates of the U. S. Merchant Marine Academy and Cadet Schools and the various State Merchant Marine Academies.

(f) Receiving Stations, located throughout the country, are also under the management and technical control of the Chief of Naval Personnel and constitute a part of the field organization of the Bureau. In addition the Bureau operates and maintains, in various centers in the United States, Navy and Fleet motion picture exchanges.

§ 1.10 *Bureau of Ships.* (a) The duties of the Bureau of Ships are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (54 Stat. 493; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Ships who is appointed by the President by and with the advice and consent of the Senate for a term of four years (54 Stat. 493; 5 U. S. C. 435). The Deputy and Assistant Chief performs the duties of the Chief in the latter's absence (54 Stat. 493; 5 U. S. C. 448).

(b) The Bureau performs the following functions:

(1) The Bureau of Ships is charged with and responsible for the general design, structural strength, stability, and seaworthiness of all ships and floating craft of the Navy, except aircraft, and except floating craft under the cognizance of the Bureau of Yards and Docks.

(2) It is responsible for the preparation of preliminary plans, approximate data, or both, showing the designs of new ships in accordance with the military characteristics recommended by the General Board and approved by the Secretary of the Navy, and for the preparation of final designs of new vessels in consultation with other bureaus.

(3) It is charged with and responsible for all that relates to details of designing, building, fitting-out, repairing, and altering of hulls, permanent fittings, and main machinery, including its related equipment used for propulsion of naval vessels, district craft (except floating craft of the Bureau of Yards and Docks) and small boats.

(4) It has similar responsibility in connection with auxiliary machinery not associated with propulsion equipment, including all pumps, distilling apparatus, refrigerating apparatus, air-conditioning apparatus, steering gear, anchor windlass, deck machinery, air compressors, heating systems, and piping systems.

(5) It has cognizance of all that relates to electric generating sets and storage batteries; the generation and distribution of electric power on board ships for all purposes; all means of interior communication; all electrical methods

of signaling, internal and external; all other electrical apparatus on board ship, except fire-control instruments and motors and control appliances used to operate machinery under the specific cognizance of other bureaus; and all appliances and articles of equipment and supplies on its approved allowance list.

(6) It is charged with the design and procurement of all radio, radar, and sonar equipment, radiological instruments, and special devices used by the naval communications service together with research and development thereof, except aircraft and ordnance electronics devices which are responsibilities of the Bureau of Aeronautics respectively. It is responsible for installation and maintenance of radio, radar, and sonar apparatus ashore and afloat.

(7) The Bureau is responsible for the provision of facilities and arrangements for salvaging vessels.

(8) It has administrative supervision of the dry-docking of all vessels and district craft and of the operating and cleaning of drydocks and marine railways.

(9) It is charged with the design, development, and procurement planning for materials and appliances for defense against gas attacks, except as specifically assigned to other cognizance; for diving gear and experimental diving units, respiratory protective devices, paravanes and mine-sweeping gear, office labor saving devices for ships and certain shore activities, mess and galley equipment, ground tackle and towing gear, life-saving equipment and navigational equipment.

(10) It is responsible for the quality control of all petroleum products for the fleet. It prepares specifications and recommendations for the purchase on annual contracts of consumable engineering supplies and conducts tests for determining the quality which these supplies must meet. It prepares the specifications for lubricating oil purchased by the Navy.

(11) It prepares specifications and prescribes tests for material, equipment, and machinery under its cognizance. It is represented on many of the national standardization and engineering bodies, and on the various Federal specifications committees.

(12) The Bureau is charged with the management control and the upkeep, operation, and repair (within the capacity of station force) of the David W. Taylor Model Basin, Carderock, Md., the Naval Engineering Experiment Station, Annapolis, Md., the Navy Electronics Laboratory, San Diego, Calif., the Navy Underwater Sound Laboratory, New London, Conn., the Navy Code and Signal Laboratory, Washington, D. C., the Naval Boiler and Turbine Laboratory, Philadelphia Naval Shipyard; the Material Laboratory, New York Naval Shipyard; the Industrial Test Laboratory, Philadelphia Naval Shipyard; the Navy Mine Counter-measures Stations, Panama City, Fla., Material Department, U. S. Naval Observatory, Washington, D. C., the Radiation Laboratory, San Francisco Naval Shipyard; the Industrial

Department, U. S. Naval Station, San Diego, Calif., the Experimental Diving Unit, Naval Gun Factory, Washington, D. C., the Office of the Supervisor of Salvage, New York, N. Y. These activities are employed for conducting necessary research, tests, investigations, and developments to obtain suitable apparatus and material for naval purposes.

(13) The Bureau participates in the operation of the Army-Navy Electronic and Electrical Standards Agency, Fort Monmouth, N. J., and maintains a liaison office with the Army laboratories at Fort Monmouth. It administers the Air Navigation and Electronics Project.

(14) It is charged with management control of all United States naval shipyards.

(15) It nominates to the Bureau of Naval Personnel specially qualified officers for engineering duty at sea and on shore, including naval shipyards and those for duty as supervisors of shipbuilding and inspectors of machinery.

(16) It compiles and issues instructions for the care, operation, and maintenance of material, equipment, and machinery under its cognizance and prepares and issues bulletins of official information on these subjects.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau.

Deputy and Assistant Chief of the Bureau.
Administrative Division.
Contract Division.
Finance Division.
Electronics Division.
Naval Shipyards Division.
Ships Division.

(d) The Bureau of Ships maintains in the field Supervisors of Shipbuilding, Industrial Managers and Assistant Industrial Managers and Inspectors of Machinery. In the Offices of Supervisors of Shipbuilding and Inspectors of Machinery, a force of trained Naval and civilian experts is maintained for the inspection of machinery and materials generally entering into the construction or repair of vessels; this force interprets and enforces strict compliance with the specifications and other contractual obligations for the construction of vessels as regard characteristics of materials used, the methods of installation of the completed parts, and completion dates. The Industrial Managers and Assistant Industrial Managers are charged with proper inspection of naval ships being overhauled or converted in private shipyards where there is no Supervisor of Shipbuilding.

§ 1.11 *Bureau of Supplies and Accounts.* (a) The duties of the Bureau of Supplies and Accounts are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such. The Bureau is directed by a Chief who is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Deputy and Assistant Chief of the Bureau performs the duties of the Chief in the latter's absence.

(b) To perform the functions for which the Chief of the Bureau is responsible the Bureau is organized as follows:

Chief of Bureau.

Deputy and Assistant Chief of Bureau.

Assistant Chief of Bureau for Administration and Planning.

Staff Offices and Divisions.

Assistant Chief of Bureau for Supply Operations and Services.

Supply Operations and Services Staff and Operating Divisions.

Assistant Chief of Bureau for Material Control.

Material Control Staff and Operating Divisions.

Assistant Chief of Bureau for Fiscal Operations.

Fiscal Staff and Operating Divisions.

Assistant Chief of Bureau and Chief of Field Branch, Cleveland, Ohio.

Staff and Operating Divisions.

(c) The Chief of the Bureau is responsible within the limits of his fields of authority, for:

(1) The research in, and the design, development, procurement, production, distribution, maintenance, and readiness of material and facilities.

(2) The recommendations for procurement, training, administration, and assignment of personnel.

(3) The management control of activities assigned to him for that purpose.

(4) Technical control of matters assigned to him.

(5) The evaluation of, and report upon, the adequacy of naval and industrial production facilities to meet the needs of the Naval Establishment in time of war.

(6) The control, subject to the provisions of law, of funds appropriated and allocated for the performance of his work, the sound and legal expenditure of such funds, and the preparation of estimates for funds required to carry out approved plans and directives.

(d) *Duties and responsibilities.* The Bureau's detailed functions are as follows, except as otherwise prescribed in Navy Regulations or by the Secretary of the Navy:

(1) The procurement, custody, shipment, warehousing, issue, sale of, and accounting for, all supplies including food, fuel, clothing, general stores, and retail store stock and other property and services of the Navy. The coordination of the operation of the Navy Supply System and the performance of the supply functions within that system, with the advice of the other bureaus.

(2) The control of the Naval Stock Fund, the Naval Working Fund, the Naval Procurement Fund, and the Clothing and Small Stores Fund.

(3) The procurement and disbursement of money for the Navy, and the payment for material and services procured for the Navy.

(4) The keeping of money and property accounts of the Naval Establishment, to include appropriation and cost accounting at shore activities, and cost inspection under all types of cost contracts, including audits of the books and records of contractors.

(5) The administration of a centralized storage operating organization for the control of all storage facilities of the Naval Establishment.

(6) Authorizing and controlling the transportation of Navy property and of authorized baggage of Navy personnel.

(7) Chartering merchant vessels for transportation purposes; the loading and unloading of cargo ships and tankers; and procuring, operating, and administering cargo terminal facilities, to include the procuring and assigning of stevedores.

(8) Maintaining records of the assignment and official registration numbers of such vehicles of the Navy as are designated by the Secretary of the Navy.

(9) Preparing information and instructions regarding income tax, and the dissemination thereof throughout the Naval Establishment.

(10) Preparing and revising the Navy Travel Instructions, jointly with the Bureau of Naval Personnel and the Headquarters, U. S. Marine Corps.

(11) Fixing the prices at which material shall be expended from the Navy Stock Account, subject to the approval of the Secretary of the Navy.

(12) Certifying to the Comptroller General of the United States any charge against an officer or agent of the Navy entrusted with public property, which charge arises from any loss to the government as to the property entrusted to him and occurring through his fault.

(e) *Technical Control.* Except as otherwise prescribed in Navy Regulations or by the Secretary of the Navy, the Bureau of Supplies and Accounts shall exercise technical control, in addition to that implicit in the responsibilities enumerated above, of the following:

(1) Purchasing, disbursing, accounting, and cost inspection.

(2) Preparation and service of food in general messes of the Navy, except at naval hospitals.

(3) Organization and operational procedures of stevedores, longshore, and trucking units.

(f) *Management control.* Except as otherwise prescribed in Navy Regulations or by the Secretary of the Navy, the Bureau of Supplies and Accounts shall exercise management control of those commands and organizations of the Navy established as separate activities of the Shore Establishment whose primary functions are:

(1) Purchasing, inspecting, controlling of inventories, cataloguing, distributing, storing, shipping, issuing, and disposing of supplies.

(2) Retail selling.

(3) Manufacturing, repairing, and renovating clothing and other specified articles under its control.

(4) Accounting and disbursing.

(5) Cost inspection.

(6) Representing the Bureau of Supplies and Accounts within a specifically prescribed geographical area.

(g) *Property and financial accounts.* The Bureau of Supplies and Accounts shall:

(1) Cause property accounts to be kept of all the supplies pertaining to the Naval Establishment, and shall report annually to the Congress the money values of the supplies on hand at the various stations at the beginning of each fiscal year, the

disposition thereof, the purchases and expenditures of supplies for the year, and the balance on hand at the end thereof.

(2) Maintain, and issue instructions relative to, a central system of accounts covering the financial affairs of the Naval Establishment and comprising:

(i) General Accounts, which shall include a general ledger showing by totals the balances of all appropriations and funds; and shall show assets, expenditures, liabilities, and investment and closing accounts.

(ii) Cost Accounts, which shall show expenditures under cost of purpose heads (expenditure accounts) including first cost, additions and improvements, maintenance, and operating expense of all activities, both ashore and afloat; and including inventories of property ashore, and records of shop expenses and other industrial accounting data.

(iii) Appropriation Accounts, which shall show as currently as practicable the condition of each appropriation, including the unallocated balance, unexpended balances of allocations, unliquidated balances of obligations, unaudited expenditures, unaudited reimbursements, and the balance on the books of the Treasury Department under each appropriation and fund.

(iv) Fidelity Accounts, which shall include a record of receipts and expenditures of property, showing values of material under the various stores accounts at all activities, both ashore and afloat; and a record of all receipts, disbursement, and transfers of money by and to each disbursing officer, showing at all times the balance due the United States.

(3) Nothing in this article shall be construed to prohibit any bureau or office from keeping such records as may be necessary for the proper conduct of its business, nor from requiring activities under its management control to keep such records and to make such reports as it may deem necessary, provided such records and reports do not alter the technical control of accounting which is the responsibility of the Bureau of Supplies and Accounts.

§ 1.12 Bureau of Yards and Docks.

(a) The duties of the Bureau of Yards and Docks are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430) The Bureau is directed by the Chief of the Bureau of Yards and Docks who is appointed by the President by and with the advice and consent of the Senate for a term of four years (12 Stat. 510; 5 U. S. C. 432) The Deputy and Assistant to the Chief perform the duties of the Chief in the latter's absence (39 Stat. 558; 5 U. S. C. 445)

(b) The Bureau performs the following functions:

(1) The duties of this Bureau comprise all that relates to the design and construction of public works and public utilities of the Naval Shore Establishment, and during the war period it supervises the construction of private plant

facilities and extensions financed with naval funds. The scope of its functions includes structures and improvements located within the United States, in Alaska, various island possessions, in Panama, British Islands in the Atlantic, and temporary advance bases throughout the world.

(2) Its work embraces such major engineering categories as drydocks, both graving and floating, marine railways, shipbuilding ways, harbor works, quay walls, piers, wharves, landings, dredging operations, floating and stationary cranes, power plants, fuel plants, fleet facilities, shops and industrial buildings, turret and erection shops, machine and electric shops, foundries, structural shops, assembly and repair shops for aircraft, etc., Naval supply depots, administration buildings, barracks and quarters, Naval hospitals and dispensaries, refrigerating plants, ammunition storage plants, torpedo plants, Marine Barracks, fuel storage plants and distribution, Naval powder factories, heavier and lighter-than air facilities for aviation, aircraft overhaul and assembly plants, landing fields, radio stations, sewage disposal plants and distribution systems for heating, lighting, power, telephone, water, sewer and railroads, roads, water supply and sanitation, etc.

(3) It is charged with the maintenance and upkeep of the Naval Shore Establishment where such responsibility is not assigned by law to some other Bureau. It is responsible for annual inspections and all major repairs of public works and public utilities; it designs and constructs all Naval public works and public utilities after consulting as to their operating features with the Bureau or office concerned.

(4) Its responsibilities include technical assistance and advice to the Bureau of Naval Personnel in connection with the training of Construction Battalions, personnel known as "Seabees" and technical assistance and advice to the Chief of Naval Operations relative to the assignment and work of the "Seabees." It is responsible for the design and assembly at ports of embarkation and debarkation of all equipment and materials necessary for the operation of naval construction battalions at advance bases, and collaborates with the Bureau of Supplies and Accounts in the procurement of this equipment and materials.

(5) It has charge of the upkeep and operation of power plants, transportation facilities, weight-handling equipment, conductors for air, heat, light, power and steam at shipyards and at naval activities under its maintenance cognizance. It maintains such records of power plant installations and performance at all other naval activities as will enable it to act in an advisory capacity to the bureau or office concerned. It acquires real estate for the Navy by purchase or lease for Naval purposes, and has custody of real estate not in active use.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of the Bureau:

Deputy and Assistant Chief of the Bureau.
Assistant Chief for Plans and Research.
Chief Inspector.

Administration and Personnel Department.

Personnel Division (Civil).

Administrative Services Division.

Management Engineers' Division.

Public Information Division.

Personnel Division (Military).

Civil Engineer Corps Reserve Activities Division.

Finance and Operating Department.

Real Estate Division.

Contract Division.

Legislative Division.

Maintenance Budget Division.

Financial Division.

Accounting and Audit Division.

General Maintenance and Operations Division.

Automotive Transportation Division.

Housing Community Facilities and Access Roads.

Civil Works Division.

Surplus Personal Property Division.

Planning and Design Department.

Administrative Division.

Research and Standards Division.

Design Manager.

Planning Division.

Technical Services Division.

Construction Department.

Fleet and Industrial Facilities Division.

Aviation Division.

Power and Utility Division.

Radio, Marine Corps Storage Division.

Statistical Reports and Priorities Division.

Ordnance Division.

Hospital and Personnel Structures Division.

Overseas Base Division.

(d) The functions of the Bureau of Yards and Docks in the field are performed under the supervision of (1) Directors of Geographic Divisions (Atlantic, Pacific and Alaskan) responsible to the Chief of the Bureau of Yards and Docks for management and technical control and to the Area Commander, Commander-in-Chief or Naval Commander for military and coordination control of Bureau activities; (2) Superintending Civil Engineers, who are the direct representatives of the Chief of the Bureau of Yards and Docks, the United States for this purpose having been divided into seven Areas; (3) Public Works Officers within the Naval Districts, or within specific established naval activities who, under the Commandant of the District or Commanding Officer of the activity, have cognizance over the design, construction, maintenance and repair of public works and public utilities in the several Naval Districts and Naval Stations; (4) Officers-in-Charge of Construction designated by the Bureau of Yards and Docks in connection with specific contracts under the cognizance of the Bureau of Yards and Docks, who, under the direction of the Chief of the Bureau as Contracting Officer, have complete charge of the work and exercise full supervision thereover and in addition supervise the construction of civil works for the other Bureaus of the Navy Department; and (5) Civil Works Engineers who make inspections and prepare reports of maintenance, demolition, restoration and disposition of civil works and who, when ordered, perform the functions of Off-

cers-in-Charge of Construction in those cases where the work under the cognizance of the Bureau of Yards and Docks is being performed at a privately operated establishment rather than at a shore establishment of the Navy.

§ 1.13 United States Marine Corps.

(a) While the Marine Corps operates as an integral part of the Naval Establishment, the Headquarters organization is a very complete operating organization in itself, and is more self-contained than are the Navy bureaus. By law the Marine Corps or component parts thereof may be detached from duty under the Navy by Executive Order and assigned duty elsewhere and must be self-sufficient to fulfill its traditional status of readiness.

The Continental Marines, forerunner of the present Corps, was organized by resolution of the Continental Congress November 10, 1775. The present United States Marine Corps was established by Act of Congress July 11, 1798. (1 Stat. 594; 34 U. S. C. 621, et seq.)

(b) The Commandant of the Marine Corps, who is appointed by the President by and with the advice and consent of the Senate for a term of four years is charged with and responsible for the procurement, discharge, education, training, discipline, and distribution of officers and enlisted personnel of the Marine Corps, including the Marine Corps Reserve, and its equipment, supply, administration and general efficiency.

(c) The Assistant to the Commandant is the Commandant's principal adviser and performs the duties of Chief of Staff. He also assists in coordinating the work of the separate divisions and staff departments and performs the duties of the Commandant in the latter's absence.

(d) Headquarters Marine Corps, under the direction of the Commandant, is composed of the following agencies:

Offices of the Commandant.
Administrative Division.
Division of Plans and Policies.
Division of Public Information.
Division of Aviation.
Division of Reserve.
Division of Recruiting.
Inspection Division.
Personnel Department.
Supply Department.

These agencies, under the direction of the below designated officer-heads, perform the functions as indicated.

(e) The Administrative Officer is responsible for administration of civilian personnel and placement of enlisted personnel at Headquarters, operation of services affecting Headquarters as a whole and operation of Headquarters communications office.

(f) The Director of Plans and Policies, under the direction of the Commandant, formulates Marine Corps policy and develops plans for personnel, intelligence, operations, supply, equipment and training, maintains liaison regarding these matters with other agencies, and is responsible for the organization and training of all Marine Corps elements other than Marine Corps aviation.

(g) The Director of Public Information is responsible for informing the

public of activities of the Marine Corps.

(h) The Director of Aviation is the senior naval aviator detailed to duty in the Division of Aviation. He is the Assistant Commandant for Air, and is advisor to the Commandant on all matters of policy pertaining to Marine Corps aviation. Under the direction of the Commandant, he is responsible for the administration, organization, training and other activities of Marine Corps aviation. Through the Deputy Chief of Naval Operations (Air) he maintains liaison between the Chief of Naval Operations and the Commandant of the Marine Corps on all matters pertaining to Marine Corps Aviation; he also maintains liaison between the Commandant and the Chief of the Bureau of Aeronautics.

(i) The Director of Reserve has supervision over matters relating to ground units of the Organized Marine Corps Reserve and all classes of the Volunteer Marine Corps Reserve (See Marine Corps Reserve, Part 15 of this chapter.)

(j) The Director of Recruiting carries out the policies of the Commandant respecting entry into the service and administers the various recruiting activities of the Marine Corps.

(k) The Inspector General makes periodic inspections and special investigations when ordered by the Commandant, making written reports containing findings of fact and recommendations concerning irregularities or for the improvement of the efficiency of the activity inspected.

(l) The Director of Personnel, Marine Corps carries out those policies of the Commandant which pertain to military personnel. He is especially concerned with promotion, discipline, decorations, retirement, discharge, dependency allowance, morale, post exchange, target practice records and statistics, casualties, classifications, detachment, and transfer. He is responsible for the maintenance of personnel records, statistics, and general files.

(m) The Quartermaster General of the Marine Corps is the head of the former Quartermaster's Department and Paymaster's Department which have recently been consolidated into a single department.

(1) The Supply Department has the responsibility of procuring, storing and distributing all supplies for the Marine Corps. In addition to combat material, it provides for subsistence, construction material and labor; has jurisdiction over quarters, barracks, and other public buildings provided for officers and enlisted personnel; and repairs, alterations and improvements thereto; vehicles for the transportation of troops and supplies; furnishes means of transportation for movement of troops; and prints and issues blank forms for the Marine Corps.

(2) Likewise, this department has cognizance over all matters relating to the payment of pay and allowances of Marine Corps and attached Navy personnel and to the administrative audit and analyses of accounts and returns of Disbursing Officers. This Department also has the responsibility for the disbursement of all monies necessary for the pay-

ment for all equipment, supplies, maintenance and services from funds appropriated by the Congress for the Marine Corps.

§ 1.14 The Office of the Judge Advocate General. (a) The Office of the Judge Advocate General was authorized by the Act of June 8, 1880 (21 Stat. 164, as amended; 5 U. S. C. 428)

In substance, this organization consists of a Judge Advocate General (Act of June 8, 1880, as amended, supra) an Assistant Judge Advocate General, who performs the duties of the Judge Advocate General, in the absence of the Judge Advocate General, special staff consultants and assistants, legislative counsel, research and publications unit, aides and three principal divisions designated as the Military Law, Administrative Law and General Law Divisions, respectively.

(b) The general functions of the three divisions of the Judge Advocate General's office may be summarized as follows:

(1) *Military Law Division (I)*—(i) *Courts martial.* Reviews for legal sufficiency the records of proceedings of all general and summary courts martial, and deck courts. Prepares precepts convening general courts martial and changes in membership thereof. Prepares charges and specifications for general courts martial convened by the Secretary of the Navy after determining the legal sufficiency of the recommendations for trial. Prepares opinions on the legality of court-martial trials, initiates action to correct legal and procedural errors in the administration on naval justice.

(ii) *Naval Boards.* Reviews for legal sufficiency the records of proceedings of investigation; boards of investigation; courts of inquiry; examining, promotion, retiring and selection boards; and boards of medical examiners. Prepares precepts for fact-finding bodies convened by the Secretary of the Navy, and changes in membership thereon. Prepares opinions on the legality of fact-finding bodies, and initiates action to correct legal and procedural errors in investigative matters.

(iii) *Other matters.* Reviews, for the Secretary of the Navy, cases acted upon by Boards of Review established under section 302 of the Servicemen's Readjustment Act of 1944 (58 Stat. 226; 38 U. S. C., Sup., 693h) relating to the review of retirement or release to inactive service of officers due to physical disabilities.

The basic instructions under which the above proceedings are conducted are contained in Naval Courts and Boards. Copies of this Manual may be purchased from the Government Printing Office, Washington 25, D. C., at \$1.50 per copy.

(iv) *Public information.* The public may secure information or make submittals or requests concerning military law matters by personal call or by mail to the Judge Advocate General, Navy Department, Washington 25, D. C. Letters containing appeals directed to the severity of punishment, such as requests for clemency, should be forwarded to the Navy Department, Bureau of Naval Personnel or to Marine Corps Headquarters, Washington 25, D. C., as the case may be.

(2) *Administrative Law Division (II)*—(i) *Administration of Naval Affairs*. Advises and prepares opinions on administrative law questions including the status, enlistment, appointment, promotion, retirement and discharge of personnel of the naval service (including Marine Corps) and civilian personnel; prepares departmental actions in regard to Presidential pardons for desertion in time of war; prepares determinations as to whether death or injury in cases of naval personnel was due to misconduct; (Court-Martial Orders 2-1944, page 301) deals with civil authorities on surrender, delivery and extradition of naval personnel, or their appearance as witnesses, and the delivery of official records pursuant to court order. Prepares opinions and correspondence on miscellaneous matters not handled elsewhere, including review of telephone contracts and handling of requests for sale of naval vessels.

(ii) *Pay and allowances*. Advises and prepares opinions on pay and allowances for naval personnel, including travel, dependency benefits quarters; liaison with General Accounting Office and Veterans' Administration.

(iii) *Public information*. The public may secure information or make submissions or requests by personal call or by correspondence addressed to the Judge Advocate General, Navy Department, Washington-25, D. C.

(3) *General Law Division (III)*—(i) *Admiralty*. Negotiates the settlement of claims for damages caused by naval vessels; prepares defense in litigated cases; liaison with Department of Justice, War Shipping Administration and Maritime Commission. For information on admiralty claims, see Part 42 of this chapter.

(ii) *Claims*. Determines validity of and settles or prepares for litigation, claims against the Navy on behalf of or in accordance with various claim statutes, except claims involving Admiralty or International Law, and except claims connected with or arising out of contracts, express or implied, which are under the cognizance of the Office of General Counsel. For information on claims, see Parts 40-44 of this chapter.

(iii) *International Law*. Advises and maintains liaison with offices of Navy Department affected by international law problems; advises on legal questions incident to operation of Foreign Claims Commissions, Guam Land and Claims Commissions, leased base agreements, military government of occupied areas, prisoners of war and jurisdiction of foreign civil authorities over naval personnel; maintains liaison with State and War Departments. For information on foreign claims and Guam claims, see Parts 43 and 44 of this chapter.

(iv) *Legal Assistance*. Supervises and coordinates legal assistance for naval personnel and dependents throughout the Naval Service, in collaboration with national, state and local bar associations and legal aid organizations; provides legal assistance in Washington area.

(v) *Taxes*. Prepares and proposes action to adjust and settle tax problems arising from liabilities asserted by federal, state and local tax authorities.

§ 1.15 *Material Division*.^{*} The Chief of the Material Division is charged with the coordination, formulation of policy with respect to, and in certain cases the administration of all the material and procurement activities of the Naval Establishment, including contract termination and property redistribution and disposal, and the performance of such other duties as the Secretary of the Navy may direct. The orders of the Material Division are considered as emanating from the Secretary of the Navy and have full force and effect as such.

The Chief is assisted by the Vice Chief of the Material Division, and by the Deputy Chiefs for Procurement Policy, Production Policy, Field Operations and Material Control Policy, who head respectively the four main branches of the Material Division.

To perform the functions for which the Chief of the Division is responsible, the Material Division is organized and its functions distributed, as follows:

(a) *Procurement Policy Branch*. This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to: (1) The procurement of material and facilities, including the negotiation of contracts, (2) the allocation of responsibility for procurement of common items among the various bureaus, (3) performance and payment bonds and insurance, (4) contract terminations and their settlement. (See Part 35 of this chapter for termination and settlement of war contracts.) This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(b) *Production Policy Branch*. This Branch formulates and promulgates policies and general procedures governing the activities of the Naval Establishment with respect to the production of basic and processed material, end items, end products, and components; reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance; and coordinates industrial mobilization planning.

(c) *Field Services Branch*. This Branch formulates and promulgates policies and general procedures governing the material inspection activities of the Navy. This Branch further reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance. This Branch also exercises management control of Supervising Inspectors of Naval Material and Inspectors of Naval Material and coordinates the activities of the foregoing and Bureau of Aeronautics General Representatives, Representatives, and Resident Representatives; Naval Inspectors of Ordnance; Supervisors and Assistant Supervisors of Shipbuilding, Inspectors and Assistant Inspectors of Machinery; Officers in Charge of Construction, Public Works and Public Utilities; and Marine Corps Inspectors. The foregoing Representatives, Inspectors and Supervisors are located in the field and at the plants of Navy contractors and consti-

tute the Navy Department's immediate point of contact with such contractors and their vendors.

This Branch also exercises administrative control over those functions which are assigned to the Navy Department as an owning agency by the Surplus Property Act of 1944 (58 Stat. 765, as amended, 50 U. S. C. Sup. 1611, et seq.) and regulations issued pursuant thereto, regarding the redistribution, disposal and custody of surplus property which originated as contractor inventory or facilities property. The primary responsibilities involve clearance of war contractors' plants, including the disposition of scrap, salvage, waste material and small lots of contractor inventory and the declaration of usable surplus property to the appropriate disposal agency. This function was formerly performed by the Navy Material Redistribution and Disposal Administration (NMR & DA), located at the New York Naval Shipyard, Brooklyn 1, New York, and its field representatives known as Material Redistribution and Disposal Offices (MRDO). The senior administrative officer (formerly Director, Navy Material Redistribution and Disposal Administration, NMR & DA) is now the Officer-in-Charge of the Property Disposal Unit of the Contract Termination Section, in this Branch (AstSecNav, Mat. Div. (FOB), Washington 25, D. C.). Each field office (formerly Material Redistribution and Disposal Office, MRDO) is now a division of the cognizant Supervising Inspector of Naval Material, known as the Property Disposal Division.

(d) *Material Control Policy Branch*. (1) This Branch formulates and promulgates the policies and general procedures governing the activities of the Naval Establishment with respect to facilities, inventory control, and property redistribution and disposal. This Branch also reviews and evaluates compliance with such policies and procedures and issues such orders as may be required to assure compliance.

(2) The Navy Vessel Disposal Office has been designated as the agency within the Navy Department to carry out, under the supervision of the Material Division, those functions regarding the disposal of surplus vessels which are assigned to the Navy Department as an owning agency by the Surplus Property Act of 1944 (58 Stat. 765, as amended, 50 U. S. C. Sup. 1611 et seq.) and regulations issued pursuant thereto. The NVDO's primary responsibility includes the conduct or authorization for sale or disposal where permitted by existing statutes and regulations, of (i) combatant vessels, (ii) non-combatant vessels surveyed and recommended to be abandoned or disposed of as scrap, or salvage (including those vessels returned by disposal agencies with scrap certificates). The NVDO is located at the New York Naval Shipyard, Brooklyn 1, New York.

The disposition of surplus property by the Navy as an owning agency is also participated in by other authorized selling activities of the Naval Establishment which are listed in § 32.2 (g) (1) of this chapter, dealing with the procedures for disposition of Navy Surplus Property.

The office of Special Assistant to the Secretary for Renegotiation and the Navy Department Board of Contract Appeals are part of the Material Division for administrative purposes but exercise authority delegated to them by the Secretary of the Navy Directly.

(e) *Office of Special Assistant to the Secretary for Renegotiation.* The Navy Price Adjustment Board, which renegotiated war contracts and subcontracts of contractors if and only when assigned to it by the War Contracts Price Adjustment Board under the Renegotiation Act (56 Stat. 245, as amended; 50 U. S. C. Sup. 1191 et. seq.) having completed all of the cases so assigned to it was dissolved effective 26 Sept. 1947.

Certain duties and responsibilities arose out of or in connection with the dissolution of the Navy Price Adjustment Board, which necessitated the continued exercise of powers and authority vested in the Secretary of the Navy under Title XIII, Second War Powers Act of Mar. 27, 1942 (56 Stat. 185; 50 U. S. C. App. 643 et. seq.) the Renegotiation Act (56 Stat. 245, as amended; 50 U. S. C. Sup. 1191 et. seq.) and Delegation by the War Contracts Price Adjustment Board, of Aug. 10, 1945.

To perform these duties and to discharge these responsibilities, the Secretary of the Navy on Oct. 18, 1947 established the office of "Special Assistant to the Secretary for Renegotiation," to which office was redelegated, to the extent necessary to effectuate these purposes, all of the powers, functions, duties, authority, and discretion which were previously delegated to the chairman of the Navy Price Adjustment Board.

For statement of such delegation of authority, see Part 36 of this chapter.

(f) *Navy Department Board of Contract Appeals.* This Board, depending upon the applicable provisions of contracts or requirements of law, acts either collectively as a Board or through the Chairman individually as the agent and authorized representative for the Secretary to hear and determine appeals by Navy contractors from decisions by contracting officers on disputed questions and appeals by Navy contractors on decisions of contracting officers on termination claims pursuant to section 13 of the Contract Settlement Act of 1944 (58 Stat. 660; 41 U. S. C. Sup. 113) or in an advisory capacity to make findings and recommendations to the Secretary of the Navy. The Board also, upon request of the contracting bureau, determines the fair value of facilities in those cases where the contract provides that such determinations shall be made either by the Compensation Board or by the Board of Contract Appeals, and prepares and submits to the Secretary findings and recommendations with respect to the fair value of facilities in those cases where the Secretary is required to determine such fair value. (For the rules of this Board, see Part 38 of this chapter.)

§ 1.16 *Office of Naval Research.* (a) The Office of Naval Research was created by the act of Congress of August 1, 1946 (Pub. Law 588, 79th Cong., ch. 727, 60 Stat. 779). Its duties are performed under the authority of the Secretary of the Navy and its orders are con-

sidered as emanating from him and have full force and effect as such. The Office of Naval Research is headed by the Chief of Naval Research, appointed by the President, by and with the advice and consent of the Senate, for a term of not to exceed three years. The Deputy and Assistant Chief of Naval Research performs the duties of the Chief of Naval Research in the event of the latter's absence.

(b) The Office of Naval Research performs the following functions: (1) The encouragement, promotion, planning, initiation, and coordination of naval research; (2) the conduct of naval research in augmentation of and in conjunction with the research and development conducted by the respective bureaus and other agencies and offices of the Navy Department; and (3) the supervision, administration, and control of activities within or on behalf of the Navy Department relating to patents, inventions, trade-marks, copyrights, royalty payments, and matters connected therewith; all as prescribed by the Secretary of the Navy in a directive dated August 21, 1946.

(c) To perform the functions for which the Chief of Naval Research is responsible, the Office of Naval Research is organized as follows:

Chief of Naval Research.
Deputy and Assistant Chief of Naval Research.
Deputy and Chief Scientist of Office of Naval Research.
Patent Counsel for the Navy.
Counsel for the Office of Naval Research.
Assistant Chief of Naval Research (Administration).
Administrative Management Division.
Contracts Division.
Scientific Personnel Division.
Finance Division.
Public Relations Branch.
Office of Naval Research Branch Offices.
Assistant Chief of Naval Research (Patents).
Patents Division.
Assistant Chief of Naval Research (Research).
Science Director of Research Divisions.
Physical Sciences Division.
Medical Sciences Division.
Naval Sciences Division.
Scientific Information Division.

Each division in the Office of Naval Research is under a Director and is generally subdivided into Branches and Sections.

(d) Operating field establishments of the Office of Naval Research include the following:

Naval Research Laboratory, Anacostia, D. C.
Special Devices Center, Sands Point, Long Island, New York.
Underwater Sound Reference Laboratory, Orlando, Florida.
Branch Offices located at Boston, Massachusetts; New York, New York; Chicago, Illinois; Los Angeles, California; San Francisco, California; and London, England.

§ 1.17 *Staff of the Chief of Naval Operations.* (a) The functions of the Chief of Naval Operations, the principal naval adviser to the President and the Secretary's Naval Command Assistant, have been described in § 1.3 (b). Under authority of Executive Order 8635, dated September 29, 1945 (3 CFR 1945 Supp.), there is established the Staff of the Chief of Naval Operations which is composed

of such numbers of Vice Chiefs of Naval Operations, Deputy Chiefs of Naval Operations, Assistant Chiefs of Naval Operations, the Naval Inspector General and of such other officers as may be considered by the Secretary of the Navy to be appropriate and necessary for the performance of duties assigned to the Chief of Naval Operations.

(b) The duties of the Vice Chief of Naval Operations, the various Deputy Chiefs of Naval Operations, the Naval Inspector General, and the Chief of the General Planning Group are as follows:

(1) *Vice Chief of Naval Operations.* To act as principal assistant and advisor to the Chief of Naval Operations.

To direct the activities of the General Planning Group.

To coordinate the efforts of the Deputy Chiefs of Naval Operations.

To have cognizance over general matters in connection with the Joint Chiefs of Staff, the Combined Chiefs of Staff, and other like agencies.

To perform such other duties as the Chief of Naval Operations may delegate.

(2) *Naval Inspector General.* To inquire into and report upon all matters which affect the efficiency and economy of the United States naval service (as may be required by law or directed by the Chief of Naval Operations, or higher authority).

(3) *Deputy Chief of Naval Operations (Personnel).* To act as principal advisor to the Chief of Naval Operations on personnel matters in general.

To formulate personnel plans and policies for the military personnel of the naval establishment and to coordinate naval personnel plans with those of the Army.

To prepare the implementing directives for all approved personnel plans and policies and to disseminate information thereof as necessary.

To control the over-all allocation of naval personnel through the medium of the Basic Personnel Plan and to transmit to the Bureau of Naval Personnel the directives necessary for its implementation.

To keep under constant review the personnel allowances of the Navy Department and the naval establishment to determine their minimum essential requirements.

To coordinate training of naval personnel except fleet and flight training.

To advise the Chief of Naval Operations regarding the appointment and assignment of flag officers.

To maintain close liaison with all other Deputy Chiefs of Naval Operations in order to be fully informed of all strategic and logistic plans and all changes thereto, which affect personnel requirements.

To maintain close liaison with the Joint Chiefs of Staff, Army, Marine Corps and other Government departments in matters concerning personnel through joint personnel boards and agencies.

To insure coordination and direction of effort, where naval personnel matters are concerned, between bureaus and offices of the Navy Department, in accordance with the requirements of General Order No. 247.

To have primary cognizance of general personnel legislation.

To maintain primary liaison with the Bureau of Naval Personnel in order to provide the essential link between operational and personnel requirements.

(4) *Deputy Chief of Naval Operations (Administration)* To administer the Office of the Chief of Naval Operations in a manner which will facilitate the effective and expeditious conduct of the business of that office.

To insure that classified mail and files are handled in accordance with existing regulations, and that all security regulations are complied with.

To insure that all matters pertaining to military and civilian personnel in the Office of the Chief of Naval Operations, and all other tasks assigned, are performed in a manner in consonance with existing policies and procedures.

To direct the conduct of Naval District Administrative Affairs under the cognizance of the Chief of Naval Operations.

To maintain effective liaison with the State Department and other Government departments for the purpose of reaching prompt and satisfactory solutions in administrative matters of common interest.

To establish and maintain effective civil government in those islands for which the Navy is responsible.

To supervise and coordinate Pan American Naval matters and the relations of Pan American navies with the U. S. Navy in a manner to prepare them for carrying out their obligations under inter-American defense agreements.

To establish and control U. S. Naval Missions to foreign governments.

To supervise the establishment and operation of a naval communication system adequate to meet the command and the administrative requirements of the naval establishment.

To supervise the Naval Observatory and the Hydrographic Office.

To supervise the Naval Records and Library and the Naval Curator.

To review, coordinate and recommend implementation of organizational matters within the Office of the Chief of Naval Operations to the end that the office will operate according to a sound functional plan consistent with the best possible utilization of personnel and funds available.

(5) *Deputy Chief of Naval Operations (Operations)* To formulate strategic plans and policies.

To advise concerning politico-military affairs, particularly those involving foreign policy.

To insure the operational development and operational readiness of the operating forces and bases assigned to a fleet command.

To review and formulate requirements and conduct operational evaluation of new material developments and to coordinate all development plans and programs except those pertaining to aircraft and guided missiles which will be coordinated through agreement with the Deputy Chief of Naval Operations (Air).

To determine strategic and operational requirements for bases designated for the support of the operating forces. To furnish the Deputy Chief of Naval Op-

erations (Logistics) and the Deputy Chief of Naval Operations (Air) guidance on strategic, command and operational requirements, and on defense, for all bases.

To supervise the Naval Intelligence Service. To furnish the fleets and naval establishment with such information on foreign navies and nations, on the war potential and intentions of such nations, and on military developments in those countries as is essential to the readiness of our forces for war. To safeguard the fleets and shore establishment from espionage and subversive activities.

To implement the coordinating and supervisory functions of the Chief of Naval Operations with respect to joint military agencies (both international and United States) for the conduct of strategic evaluation, military operations and planning, and for coordination of naval and foreign policy.

To guide the mission of the Naval War College, collaborating with the Deputy Chief of Naval Operations (Logistics) with respect to the logistic phases.

To guide, in naval matters, the naval members of staffs of Joint, Army and Air colleges.

To supervise matters pertaining to the military application of atomic energy.

(6) *Deputy Chief of Naval Operations (Logistics)* To initiate, develop and implement logistic plans and policies in accordance with approved war and operating plans.

To determine the material requirements of the naval establishment, and the naval characteristics of matériel to be developed and procured, and issuing statements of these requirements to the bureaus and offices of the Navy Department.

To control the distribution and disposal of all materials (including petroleum) for logistic support throughout the naval establishment.

To coordinate and direct the priorities of construction and maintenance of naval vessels and bases.

To coordinate and direct the logistic efforts of the bureaus and offices of the Navy Department in their support of the operating forces. To review and evaluate the progress of the bureaus and offices of the Navy Department and the naval shore establishment in fulfilling the stated requirements for logistic support. To integrate and coordinate logistic direction and programs within the naval establishment to avoid conflict and to provide the best practicable over-all logistic direction for the development and support of the naval establishment.

To collaborate with the Material Division, Office of the Under Secretary of the Navy, in obtaining expeditious fulfillment of the stated requirements.

To supervise the Board of Inspection and Survey.

To coordinate naval logistics efforts with the Army and other Government agencies.

To coordinate with the Army programs and projects for the common utilization of facilities.

To represent the Chief of Naval Operations on Joint Logistic Agencies.

In accordance with the Navy War Planning System, to review the Navy

Basic Logistic Plan and Navy Logistic Plans (Code)

(7) *Deputy Chief of Naval Operations (Air)* To act as principal advisor to the Chief of Naval Operations on aviation matters in general and on the development of guided missiles.

To act as representative, when appropriate, of the Chief of Naval Operations in major air matters and guided missile developments involving relations with the Army Air Forces and with other Governmental agencies.

To be responsible for the preparation, readiness and logistic support of the aeronautical elements of the naval establishment, coordinating and directing the efforts of the bureaus and offices of the Navy Department to this end.

To review and formulate requirements for and to guide, coordinate and evaluate development of guided missiles and related devices.

To coordinate the policies and general plans incident to the execution of the above.

To be responsible for the plans, readiness and logistic support of the entire aviation shore establishment, continental and extra-continental, including: (i) basic planning for all establishments exclusively aviation in character and aviation requirements at all other establishments. These plans shall include requirements for air operations, capacities, facilities, personnel, equipment and maintenance; (ii) formulation of policies, plans and programs for aviation stations or aviation bases and for the readiness of aircraft and personnel therein; (iii) forwarding the plans and programs for aviation requirements at all establishments, prior to promulgation or implementation, to the Deputy Chief of Naval Operations (Logistics) for integration and coordination with the over-all Navy plans and programs, rendering such assistance as may be required to permit the best practicable over-all plans for the development and operation of each such establishment; (iv) coordination and direction of effort of bureaus and offices of the Navy Department to insure the logistic support of all aviation stations, aviation bases, and aviation facilities for personnel, material, equipment and supplies that are primarily aviation in character; (v) maintenance of up-to-date records and statistics on all aviation stations or aviation bases, including capacities, facilities, status and activities supported; (vi) maintenance of appropriate liaison for the Navy Department with other agencies of the Government, when necessary, in regard to aviation station or aviation base matters; (vii) maintenance of membership on boards, committees and councils concerned with aviation station or aviation base matters; (viii) the Deputy Chief of Naval Operations (Air) shall keep the Deputy Chief of Naval Operations (Logistics) fully informed on all matters affecting naval establishments which are to be discussed or have been discussed with other agencies of the Government, prior to any commitments which may have any effect upon the plans or programs for, or the development of, any such establishments, and agreement with the over-all Navy plans

and programs shall be reached prior to any such commitments; (ix) designation of aviation personnel for duty with the Deputy Chief of Naval Operations (Logistics) all such aviation personnel shall be ordered to additional duty with the Deputy Chief of Naval Operations (Air), and (x) maintenance of close liaison with the Deputy Chief of Naval Operations (Logistics) and collaboration in all matters that affect the responsibilities of both organizations.

To supervise the activities of the Coordinator, Naval Air Reserve.

(c) The U. S. Marine Corps is an integral part of the Naval Establishment. The Commandant deals directly with the Chief of Naval Operations on matters of common interest as may be appropriate in the discharge of his prescribed duties. His subordinates deal directly with the Vice Chief of Naval Operations and the Deputy Chiefs of Naval Operations on routine matters within the scope of duties assigned those officers.

(d) In time of war when the President may so direct the U. S. Coast Guard is transferred to the Navy and becomes a part of the Naval Establishment.

During such periods the Commandant deals directly with the Chief of Naval Operations on matters of common interest as may be appropriate in the discharge of his prescribed duties. His subordinates deal directly with the Vice Chief of Naval Operations and the Deputy Chiefs of Naval Operations as may be appropriate in routine matters within the scope of duties assigned those officers.

(e) The Hydrographic Office is established pursuant to Act of June 21, 1866 (14 Stat. 69; 5 U. S. C. 459) for "the improvement of the means of navigating safely the vessels of the Navy and the Merchant Marine by providing accurate and cheap nautical charts, sailing directions, and manuals of instructions for the use of all vessels of the United States, and for the use and benefit of navigators generally" Pursuant to the same Act, the Secretary of the Navy is authorized to cause to be prepared at the Hydrographic Office, "maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators' sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe"

In accordance with the President's Reorganization Plan No. 3 of 1946 (Title 3, Chapter IV, *supra*) the Hydrographic Office was placed under the jurisdiction of the Chief of Naval Operations. The Hydrographic Office is under the immediate direction of an officer of the Navy detailed to duty as the Hydrographer. The affairs of the Hydrographic Office are under the cognizance of the Deputy Chief of Naval Operations (Administration)

The Hydrographic Office publishes and distributes nautical and aeronautical charts and publications to the Navy and sells them to the Merchant Marine and

the public generally. These are made available through the Branch Hydrographic Offices, Air Navigation Offices, and civilian sales agents. The Hydrographic Office likewise collects, codifies, coordinates and implements basic oceanographic studies required by the various Bureaus of the Navy Department, and prepares various charts, manuals, and other publications of oceanographic nature.

In carrying out its duties, the Hydrographic Office maintains technical control of survey vessels operated by the U. S. Navy; cooperates with all states Members of the International Hydrographic Bureau and the Hydrographic Offices of other nations.

(f) The Naval Observatory is an activity established by Congress to operate under the Secretary of the Navy. By Executive Order dated April 8, 1942 (3 CFR, Cum. Supp.) the Naval Observatory was placed under the jurisdiction of the Chief of Naval Operations. Cognizance of Naval Observatory matters is assigned to Deputy Chief of Naval Operations (Administration)

As the only National Observatory the U. S. Naval Observatory collaborates where possible throughout the world with other observatories and astronomers in the exchange of data, the participation in long term worldwide astronomical programs, the attending of national and international astronomical conferences, and the maintenance of programs undertaken.

The Naval Observatory publishes and distributes the American Ephemeris and Nautical Almanac, the American Nautical Almanac, the American Air Almanac, and other astronomical publications for maritime, commercial and scientific use. The U. S. Naval Observatory also inspects, tests, develops, experimentally constructs, repairs, manufactures, stores, and distributes designated navigational and aerological material for the Navy Department and other governmental activities authorizing and furnishing funds.

(g) The Naval Communications Service is an activity established under the cognizance of the Chief of Naval Operations and is administered by an officer of the Navy detailed to duty as the Chief of Naval Communications. The Chief of Naval Communications plans and supervises all elements of the Naval Communications Service both ashore and afloat; prepares communication operational and logistic plans; develops and prepares all Navy and certain Joint Army and Navy cryptographic aids, Communication Instructions and Call Sign Books; operates the Registered Publications System which distributes all Navy registered publications and non-registered communication publications; procures, assigns and protects radio frequencies for naval electronic equipment; conducts continuing studies of developments in radio wave propagation theories, knowledge and practical applications; supervises naval postal affairs; administers the accounting and disbursing of radio, wire and cable tolls; operates the Communication Supplementary Activity and also the Navy Department message center; determines the military character-

istics, requirements and allowances of naval communication equipment for ships and shore stations; maintains liaison with other activities of the Navy and with other military services on matters of research, development and procurement of communication equipment; maintains active contact with other military services and with civil agencies of the United States, and with representatives of foreign nations in matters involving communication methods, procedures, and operational techniques; plans for and participates in International Telecommunications Conferences where Navy interests are involved; advises the Bureau of Naval Personnel concerning the training and assignment of communications operating and maintenance personnel (less aviation but including the Naval Reserve)

(h) The Naval War College is under the supervision of the Chief of Naval Operations in matters relating to its mission, policy, and course of study. The President of the College may refer all matters pertaining to curriculum, future plans, and war studies directly to the Chief of Naval Operations. Matters purely administrative, such as fiscal, logistic support and personnel, are under the cognizance of the Chief of Naval Personnel.

§ 1.18 The Shore Establishment. The Shore Establishment supplies and maintains the Operating Forces under the direct supervision of the Navy Department.

(a) The Secretary, through his Civilian Executive Assistants, provides general administrative supervision and establishes the operating policies and procedures governing civilian personnel, matters of procurement, production, and industrial management.

(b) The Navy Technical Assistants exercise technical supervision and, in specified cases, direct management control (within the limits of the responsibilities of their respective Bureaus) and in all cases control the expenditure of funds for the upkeep and operation of activities of the Shore Establishment; Bureau management here reflects and projects administrative and business methods, procedures and directions as channeled from the Civilian Executive Assistants charged with these responsibilities.

(c) The Naval Command Assistant (The Chief of Naval Operations) exercises military command, and oversees the coordination of all logistic services to the Operating Forces, through the District Commandants and Commanders of the Naval Bases, Naval Air Bases, and Sea Frontiers.

(d) Geographically, the Shore Establishment is distributed throughout the United States. Functionally, the field activities within the continental limits may be grouped into nine general, broadly classified types of installations and activities as follows:

(1) Shipbuilding and Repair activities which include the eleven naval shipyards as well as numerous small activities for the construction and repair of ships. These activities contribute to the basic function by manufacturing many special materials used in the construction and repair of ships, by supervising work per-

formed in private yards, by conducting research and experimental work for the improvement of the air, surface and submarine fleet, and by engaging in many other types of allied service.

(2) Naval Air activities are the air bases, air training commands, air stations, and air facilities. These activities are engaged in a variety of functions including aeronautical research and development, specialized training of flight and ground personnel; and service-maintenance and supply of naval aircraft.

(3) Naval Ordnance activities include numerous depots for the maintenance, storage and issue of all items of ordnance material, for the actual manufacture of certain items of specialized ordnance such as guns, mines and torpedoes. Further, they include, for the development and test of ordnance materials, such facilities as proving grounds, ordnance laboratories, and ordnance test stations.

(4) Procurement and Supply activities cover the whole field of purchasing, expediting, storing, maintaining inventories, disbursing, inspection, and auditing. Major supply depots are engaged in the storage and issue of supplies, clothing provisions, fuel, and other classes of allied and general material. These activities also include field accounting and disbursing offices which pay for, control and check on all contracts consummated by the bureaus and other specified authority. In addition, these activities handle enlisted, officer and civilian pay and allowances as well as reimbursement, dependency claims, and the like.

(5) Naval Personnel activities are devoted largely to recruiting, training, welfare, enforcing of discipline and the distribution of Naval personnel.

(6) Medical activities include hospitals, convalescent centers, and numerous clinics, dispensaries, laboratories, and medical supply depots.

(7) Marine Corps activities within the United States are divided among two principal types: (i) those having as their primary objective the training, supplying and maintaining of Marine Corps personnel and equipment, and (ii) those activities located in naval shore activities performing largely guard duty, security, and policing functions.

(8) Coast Guard activities, which operate as an integral part of the Navy during time of war, have now reverted to the control of the Treasury Department, with the exception of certain search rescue (air-sea) and similar functions which remain under the operational control of the Navy in areas west of Pearl Harbor. These Coast Guard activities are administered directly by the Coast Guard through its own district officers and under its own command, much as in the case of the Marine Corps. The function of these field units are supply, personnel (including the Coast Guard Academy) maintaining operating aids to navigation, lighthouses, life boat stations, port security, and similar duties.

(9) Special Service activities embrace radio stations, communications offices, fleet post offices, fleet liaison offices, com-

missioning details, intelligence, public information, and sundry other activities of a special or general nature.

(e) For military purposes and coordination of administrative control, certain activities of the Naval Shore Establishment, which have been described above in terms of their functions, are grouped into Naval Bases at various ports and Naval Air Bases within the respective Naval District. The respective District Commandants have direct military command, and administrative control for coordinating purposes, of these activities through the respective Commanders thereof. Other air activities are grouped under the Chief of Naval Operations, and Marine Corps Air Bases Command which is directly under the Commandant, Marine Corps. Management and technical control of the various activities are exercised by the cognizant bureau or office of the Navy Department.

§ 1.19 *Naval bases and naval air bases.* (a) A naval base, to which reference has been made in § 1.18 (e) is a shore command in a given locality which includes and integrates all naval shore activities assigned. The mission of a naval base is the furnishing of local logistics services direct to the Operating Forces. The component activities of each naval base are prescribed by the Chief of Naval Operations and usually include a naval shipyard, and such other activities as contribute to the support, service, and maintenance of fleet units such as a naval supply depot, naval hospital, naval ammunition depot, naval receiving station, marine barracks, etc. [General Order 245, November 27, 1946]

(b) A Naval Air Bases Command comprises all Naval and Marine aviation shore activities furnishing facilities for the operation of aircraft in each Naval District, except aviation activities assigned to the following:

(1) The Naval Air Training Command and subordinate Training Commands.

(2) The Naval Airship Training and Experimental Command.

(3) The Marine Corps Air Bases Command.

(4) The Naval Air Material Center, Philadelphia, Pa.

(5) U. S. Marine Corps Air Station, Quantico, Va.

(6) U. S. Marine Corps Air Station, Parris Island, S. C.

(7) Naval Air Missile Test Center, Point Mugu, Calif. [General Order 245, November 27, 1946]

§ 1.20 *Naval Districts.* The United States, its territories and possessions, are divided into Naval Districts, the geographic limitations, organization, and responsibilities of which are as indicated below.

(a) *Geographical limits and headquarters.*

District and Headquarters

No. 1: Maine, New Hampshire, Vermont, Massachusetts and Rhode Island (including Block Island)—Boston, Mass.

No. 3: Connecticut, New York, northern part of New Jersey including counties of Mercer, Monmouth, and all counties north thereof, also the Nantucket Shoals Lightship—New York, N. Y.

No. 4: Pennsylvania, southern part of New Jersey, including counties of Burlington, Ocean, and all counties south thereof; Delaware, including Winter Quarter Shoal Light Vessel—Philadelphia, Pa.

No. 5: Maryland less Anne Arundel, Prince Georges, Montgomery, St. Marys, Calvert, and Charles Counties; West Virginia; Virginia less Arlington, Fairfax, Stafford, King George, Prince William and Westmoreland Counties; City of Alexandria, Va., and the counties of Currituck, Camden, Pasquotank, Gates, Perquimans, Chowan, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Carteret, Onslow, and Dare in North Carolina; also the Diamond Shoal Lightship and all waters of Chesapeake Bay including its arms and tributaries except waters within the Fourth Naval District and the counties comprising the Potomac River and Severn River Naval Commands west of a line extending from Smith Point to Point Lookout thence following the general contour of the shore line of St. Marys, Calvert, and Anne Arundel Counties, as faired by straight lines from headland to headland across rivers and estuaries—Naval Station Base, Norfolk, Va.

No. 6: South Carolina, Georgia, and North Carolina except the counties of Currituck, Camden, Tyrrell, Washington, Hyde, Beaufort, Pamlico, Craven, Jones, Carteret, Onslow and Dare—Charleston, S. C.

No. 7: Florida, excepting those counties west of Apalachicola River—Jacksonville, Fla.

No. 8: Florida counties west of Apalachicola River, Alabama, Tennessee, Louisiana, Mississippi, Arkansas, Oklahoma, Texas—New Orleans, La.

No. 9: Ohio, Michigan, Kentucky, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas—Great Lakes, Ill.

No. 10: Beginning at Latitude 25°00' N., Longitude 72°00' W., thence to a point on the north coast of Cuba in Latitude 22°47' N., Longitude 79°47' W., thence westerly around shore of western Cuba and easterly along shore to Cienfuegos Light in Latitude 22°02' N., Longitude 80°27' W., thence south to a point in Latitude 18°05' N., Longitude 80°27' W., thence to Punta de Gallinas, Colombia, thence along international boundaries to include all Venezuela, British Guiana, Surinam and French Guiana, to the including eastern boundary of French Guiana thence east true to a point in approximate Latitude 4°20' N., Longitude 50°20' W., thence to a point in Latitude 25°00' N., Longitude 65°00' W., and thence to a point of origin. The land areas of the Isle of Pines and other small coastal islands of Cuba are also placed in the Tenth Naval District—San Juan, P. R.

No. 11: New Mexico, Arizona, Clark County, Nevada, southern part of California, including counties of Santa Barbara, Kern and San Bernardino, and all counties south thereof—San Diego, Calif.

No. 12: Colorado, Utah, Nevada (except Clark County), northern part of California, including counties of San Luis Obispo, Kings, Tulare, Inyo, and all counties north thereof—San Francisco, Calif.

No. 13: Washington, Oregon, Idaho, Montana and Wyoming—Seattle, Wash.

No. 14: Hawaiian Islands and Islands to Westward, including Midway, Wake, Kure, Johnston and Sand Islands and Kingman Reef—Pearl Harbor, T. H.

No. 15: Panama Canal Zone—Balboa.

No. 17: Alaska and Aleutians—Kodiak, Alaska.

(1) Territorial exceptions are as follows: Certain activities within the geographical limits of each naval district are not, for various reasons, under the command of the Commandant, or may be under his command only in a limited sense. The Fourteenth Naval District has a special status inasmuch as it is directly under the Commander in Chief,

Pacific Fleet, although in purely administrative matters the Commandant bears the same relationship to the Navy Department as do other Commandants. Other examples might be cited, as a Naval Air Station where the Commander in Chief of a United States Fleet, may be vested with authority to exercise control of the operations of fleet aircraft units from Naval Air Stations, to allocate among units of the Fleet the services in facilities, equipment, and spaces made available to the Fleet, and to establish priorities with respect to overhaul of aircraft of the Fleet. The Severn River and the Potomac River Naval Commands are outside the geographical limits of the Naval Districts and are directly under the Navy Department.

(2) The geographical limits of these Commands are as follows:

(i) *Potomac River Naval Command.* The Potomac River up to the Great Falls, the District of Columbia, and the Counties of Prince Georges, St. Marys, Montgomery, and Charles in Maryland; Arlington, Fairfax, Stafford, King George, Prince William, and Westmoreland counties in Virginia, and the City of Alexandria, Virginia, less the Marine Barracks, Quantico, Va., and the Marine Barracks, Washington, D. C. (including Marine Barracks, Naval Gun Factory, Washington, D. C.)

(ii) *Severn River Naval Command.* Anne Arundel County, Md. (Headquarters United States Naval Academy, Annapolis, Md.).

(b) *Organization.* Each Naval District is commanded by a Commandant, who is the representative of the Secretary of the Navy and Chief of Naval Operations. In the event of absence of the Commandant from the limits of his command or while he is on leave or disabled for a period greater than 24 hours, the command of the district devolves upon the officer designated by the Commandant, and approved by the Chief of Naval Operations. The district is organized into groups or units according to the character of its activities and situation, with each group or unit under the command of an officer of that group or unit. The Commandant by Navy Regulations shall not personally supervise the details of work or administration of the several groups or units but will transact necessary business with the Commanding Officer of the group or unit. He is, however, charged with coordinating the groups or units in his district to develop complete intercommunication and cooperation among them. The organization of a Naval District establishes between the Commandant and the Commanding Officers of the groups and units included in the district relations similar to that which exists between the Commander in Chief of a Fleet and the various units of his command. District craft, including vessels, aircraft, and small boats, directly under the Commandant, are administered by him. Craft assigned to specific units are under the immediate jurisdiction of the commanding officers of the specific bases or stations to which they are assigned. Commanding Officers of the various units of the district may communicate directly with one another and with the Navy Department or its

offices and bureaus without forwarding such correspondence through the Commandant of the district, except on military matters, matters under the Commandant's coordination, and matters affecting the operations of another unit. The Commandant is required to be kept informed by the Commanding Officers of subordinate units, however, as to matters of administration and general interest. The administrative units referred to above comprise all facilities which are so grouped in one place as to come logically under the immediate military control of one commanding officer. These units include such activities as ship yards, torpedo stations, training stations, submarine bases, and schools, which are, where appropriate, included in *Naval Bases or Naval Air Bases*, described in § 1.19.

(c) *Duties and responsibilities—(1) Military Command.* The Commandants of the Naval Districts and of the River Commands, the Chief of Naval Air Training and the Commandant of the Marine Corps are the principal officers through whom the Chief of Naval Operations carries out his essential command responsibilities over the shore establishment.

(2) *Coordination.* As noted in the immediately preceding paragraphs, the Commandant provides the necessary coordination control among the several shore activities in his Naval District.

(3) *Contact with public.* Navy Regulations provide that in intercourse with Government, State, and foreign officials or with local authorities in matters of business or ceremony of interest to the Navy, the District Commandant shall himself, or through his subordinates represent the Navy Department. In exercising this important function, the Commandant provides the necessary contact with the public throughout the United States, its territories and possessions, to keep the Nation apprised of the tasks and objectives which the Navy is pursuing in its readiness to defend and promote the national interest and security. The District Commandants provide the media for interpreting to the people the acts and policies, command responsibilities, and administrative effectiveness of their Naval Establishment.

(4) *Coastal defense.* With respect to coastal defense, the mission of the Commandant of the Naval District, under the Sea Frontier Commander, is to control sea communications within the district, repulsing hostile attacks on the seacoast, or upon naval vessels or merchant shipping in or off harbors or in the coastwise sea lanes. Commandants of Naval Districts cooperate with the Army officers commanding corps areas in the preparation of plans in time of peace, determining the more probable situations likely to arise and entering into advance agreements upon plans of joint action for each such situation.

(5) *Control of Naval Reserve Matters.* The Commandant of the District shall administer the program of the Navy Department within the District in all matters affecting the procurement, maintenance, morale, and training of Naval Reserve personnel, except for the training of the Naval Air Reserve, which is

administered by the Chief of Naval Air Reserve Training, Glenview, Illinois.

(6) *Naval Material Inspection activities and Navy Department Field Services.* Activities of the Material Inspection Service, U. S. Navy and the Navy Department Field Services and such activities as U. S. Navy Superintending Civil Engineers, Civil Works Engineers, Supervisory Cost Inspectors, Cost Inspectors, U. S. Navy, and Industrial Managers are under the military command of the Commandant of the Naval District and under his coordination control in matters affecting the organization and functions of his District. In view of the fact that areas of operation of these agencies differ in their geographical limits from those of Naval Districts, personnel of these agencies may carry out their technical duties outside of normal Naval District boundaries. Activities in this category are under the management control and technical control of the cognizant bureaus or offices of the Navy Department.

§ 1.21 *The Operating Forces.* (a) Overall command of the *Naval Operating Forces* devolves on the Chief of Naval Operations subject to the supreme authority vested in the President of the United States by the Constitution and in the Secretary of the Navy by law. In the discharge of his duties as the principal Naval Executive, the Chief of Naval Operations is responsible for executing the naval directives of the Joint Chiefs of Staff.

The Operating Forces of the Navy comprise the combatant forces of vessels, aircraft, and troops operating under naval authority, together with such additional vessels, district craft, aircraft, or other units as may be assigned thereto for training, utilitarian, or other purposes.

The Fleet Marine Force is a force of combined arms comprising land, air, and service elements of the U. S. Marine Corps which is integral with the U. S. Fleet. It has the status of a type command and is organized, trained, and equipped for the seizure or defense of advance naval bases or for the conduct of limited amphibious or land operations essential to the prosecution of a naval campaign. This Force is presently divided into Fleet Marine Force, Pacific, under the command of Commander in Chief, Pacific Fleet, and the Fleet Marine Force, Atlantic, under command of the Commander in Chief, Atlantic Fleet.

(b) All vessels and aircraft in the Operating Force of the Navy are assigned by the Chief of Naval Operations in the Administrative Organization which is comprised of the following principal commands:

- (1) U. S. Pacific Fleet (Active).
- (2) U. S. Atlantic Fleet (Active).
- (3) Pacific Reserve Fleet (Inactive).
- (4) Atlantic Reserve Fleet (Inactive).
- (5) Naval Air Transport Service.
- (6) Naval Transportation Service.
- (7) Naval Air Training Command.
- (8) Sea Frontiers;
 - Eastern Sea Frontier.
 - Caribbean Sea Frontier.
 - Gulf Sea Frontier.
 - Western Sea Frontier.
 - Hawaiian Sea Frontier.
 - Alaskan Sea Frontier.

- (9) Naval Districts: 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17.
 (10) Potomac River Naval Command.
 (11) Severn River Naval Command.

(c) The U. S. Pacific Fleet is commanded by the Commander-in-Chief, U. S. Pacific Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Pacific Fleet, are the First Task Fleet, which is a tactical organization without regular administrative functions and has a variable composition dependent upon the tasks or exercises ordered; the Naval Forces Western Pacific, which is a tactical organization to perform tasks in the Western Pacific; and the Naval Forces Far East, which is a tactical organization under the operational control of the Commander-in-Chief Far East. Units of the U. S. Pacific Fleet are given tactical assignments to Naval Forces Western Pacific and Naval Forces Far East on a rotational schedule but retain their administrative identification with their parent fleet. Naval area commands and naval military governments (except Guam and Samoa) in the Pacific are also under the Commander-in-Chief, U. S. Pacific Fleet, except that certain areas are under operational control of the Commander-in-Chief Far East.

(d) The U. S. Atlantic Fleet is commanded by the Commander-in-Chief, U. S. Atlantic Fleet, who is directly under the Chief of Naval Operations. Under the command of the Commander-in-Chief, U. S. Atlantic Fleet are the Second Task Fleet, which is a tactical organization like the First Task Fleet; the Operational Development Force, a tactical and quasi-administrative organization employed in test and development tasks; and the fleet bases in the Atlantic outside the continental limits of the United States.

(e) The U. S. Naval Forces in European waters, including the Mediterranean, form a task organization designated U. S. Naval Forces Eastern Atlantic and Mediterranean and are commanded by Commander-in-Chief, U. S. Naval Forces Eastern Atlantic and Mediterranean who is directly under the Chief of Naval Operations. The units comprising U. S. Naval Forces Eastern Atlantic and Mediterranean are assigned on a rotational basis from the U. S. Atlantic Fleet but retain their administrative identification with their parent fleet.

(f) The Pacific and Atlantic Reserve Fleets, commanded respectively by Commander Western Sea Frontier and Commander Eastern Sea Frontier, each directly under the Chief of Naval Operations, are comprised of vessels assigned to be inactivated and preserved for future emergency. The vessels of the Atlantic Reserve Fleet are berthed at naval bases, shipyards and berthing areas along the Atlantic and Gulf Coasts, those at each location comprising a Group. The Pacific Reserve Fleet is similarly distributed along the West Coast. The Headquarters of Commander Eastern Sea Frontier (Commander, Atlantic Reserve Fleet) are at 90 Church Street, New York, New York; those of Commander Western Sea Frontier (Commander, Pacific Reserve Fleet) at the Federal Building, San Francisco, California.

(g) The Naval Transportation Service, under the direction of the Chief of Naval Operations, operates passenger transports, oil tankers and cargo vessels to provide passenger, fuel and freight service to the fleets and to Naval bases not served by or inadequately served by commercial service. At principal U. S. ports and certain overseas bases, transportation matters are handled by U. S. Navy *Port Directors* under the technical control of the Chief, *Naval Transportation Service*, headquarters of the *Naval Transportation Service*.

(h) The Potomac River Naval Command administers directly under the Chief of Naval Operations the naval activities in and near Washington, D. C. Headquarters are located at Naval Gun Factory, Washington 25, D. C.

(i) The Severn River Naval Command administers directly under the Chief of Naval Operations the U. S. Naval Academy, its supporting and other activities in or near Annapolis, Md. Headquarters are in Annapolis, Maryland.

(j) The *Sea Frontiers* are delimited as indicated on Hydrographic Office chart Misc. 10194 which is revised concurrently with approved changes. The Commanders of Sea Frontiers exercise coordination and control of the logistic activities of the component Naval Districts as may be directed by the Chief of Naval Operations and operate, for inshore patrol, coastal escort and search or rescue operations off the coasts, such vessels as are assigned by the Chief of Naval Operations or the Fleet Commanders. The Commanders Eastern and Western Sea Frontiers are directly under the Chief of Naval Operations but deal directly with the Commanders-in-Chief of the Fleets on matters concerned with logistic support of the Fleets. The Sea Frontier Commanders make joint plans with Army area commands concerned for the coordinated defense of their respective areas.

The Alaskan and Hawaiian Sea Frontiers, being wholly within his area, are directly under the Commander-in-Chief, U. S. Pacific Fleet. Likewise in the Atlantic the Caribbean Sea Frontier is directly under the Commander-in-Chief, U. S. Atlantic Fleet. The Gulf Sea Frontier extending from Key West, Florida, to Brownsville, Texas, and including all of the Gulf of Mexico, is, as a peace-time measure, under the overall command of Commander Eastern Sea Frontier.

The Headquarters of Commander Eastern Sea Frontier are located at 90 Church Street, New York, N. Y., and of Commander Western Sea Frontier at Federal Building, San Francisco, Calif.

(k) General administration of naval vessels and fleet activities located at a particular place is exercised by Senior Officer Present Afloat. The identity of this office changes with the composition of the forces present. It can always be ascertained from the local naval shore establishments, or if none are present, from any convenient ship. All matters of civil concern, legal process, and ceremonial or official requests pertaining to any ship or fleet activity present should be referred to the Senior Officer Present Afloat. He is the official point of contact

for Operating Forces present with all private and public agencies.

Subchapter B—Final Opinions, Orders and Official Records

PART 2—AVAILABILITY OF FINAL OPINIONS, ORDERS AND OFFICIAL RECORDS

Sec.

- 2.1 Final opinions and orders.
 2.2 Official records.
 2.3 Production of documents in civil court in response to a subpoena duces tecum.

AUTHORITY: §§ 2.1 and 2.3, issued under sec. 3, 12, 60 Stat. 238, 244; 5 U. S. C. Sup. 1002, 1011.

§ 2.1 *Final opinions and orders.* (a) With the exception of opinions of the Board of Contract Appeals on disputes arising under contracts of the Navy Department, which are formal and published, as set forth in § 30.7 (d) of this chapter, and with the exception of certain selected decisions and opinions in general courts-martial (omitting actual names of the parties involved) which are periodically published, decisions by the Navy Department under statutes involving a determination of rights are not collected or compiled, are not indexed and are not cited as precedent. Such decisions are usually in the form of a letter addressed to the party concerned and so filed. Such decisions for the most part arise under statutes involving the granting or withholding of benefits depending as requisite or entitling facts exist. The statutes involving the granting or withholding of benefits include the Servicemen's Dependents Allowance Act of 1942 (56 Stat. 381, as amended; 37 U. S. C., Sup., 201 et seq.) the Mustering-Out Payment Act of 1944 (58 Stat. 8, as amended; 38 U. S. C., Sup., 691 et seq.), the Act of June 4, 1920, as amended (41 Stat. 824, as amended; 34 U. S. C. and Sup., 943) the Act of August 27, 1940, as amended (54 Stat. 864, as amended; 34 U. S. C. and Sup., 855c-1), and the Armed Forces Leave Act of 1946 (Pub. Law 704, 79th Cong.)

(b) Under a limited number of other statutes, reference in this connection being made to the Renegotiation Act (56 Stat. 245, as amended; 50 U. S. C. App., Sup. 1191) the Royalty Adjustment Act (56 Stat. 1013; 35 U. S. C., Sup. 89 et seq.) the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C., Sup., 101 et seq.), the Act of October 10, 1940 (54 Stat. 1090; 50 U. S. C. App., Sup., 711 et seq.) the Act of October 16, 1941 (55 Stat. 742; 50 U. S. C. App., Sup., 721 et seq.) the Act of July 3, 1944 (58 Stat. 723; 46 U. S. C., Sup., 797), the Act of December 5, 1945 (59 Stat. 596; 34 U. S. C., Sup., 600a et seq.), the Act of December 28, 1945 (59 Stat. 662; 31 U. S. C., Sup. 223d) the Act of January 2, 1942, as amended (55 Stat. 880, as amended; 31 U. S. C., Sup., 224d) the Legislative Reorganization Act of 1946 (Pub. Law 601, 79th Cong.) and the Act of August 7, 1946 (Pub. Law 657, 79th Cong.), the Navy Department can determine and settle by agreement the matters arising under such statutes. Failing agreement the party concerned ordinarily has recourse to the courts. Orders in such matters are informal and ordinarily con-

fined to a mere statement of the decision on the ultimate question in controversy.

(c) Accordingly, the opinions and orders of the Navy Department determined to be such within the meaning of the Administrative Procedure Act (Sec. 3 (b), 60 Stat. 238; 5 U. S. C. Sup. 1002) will, as consistent with the general filing system employed by the Navy Department, be available to public inspection on application to the Secretary identifying the opinion or order desired to be inspected with sufficient particularity to enable it to be located. The published opinions of the Board of Contract Appeals and in certain selected general courts-martial will be available for public inspection at the offices of the Board of Contract Appeals and the Judge Advocate General, respectively, Navy Department, Washington 25, D. C., without prior application to the Secretary. Opinions or orders constituting official records to which access will not be granted under § 2.2 will not be available for inspection, as confidential for good cause found.

§ 2.2 *Rules regarding public records.* The following rule is published to state how matters of official record are made available to persons properly and directly concerned except information held confidential within the meaning of the Administrative Procedure Act. (Sec. 3 (c), 60 Stat. 238, 5 U. S. C. Sup. 1002)

(a) Persons properly and directly concerned in any matter acted upon by the Navy Department or within its cognizance may apply in writing for access to official records of such matter. Such application should be addressed to the Secretary of the Navy unless otherwise specified herein. If the applicant believes that he is entitled to access under section 3 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) he will state the nature of his concern and identify as exactly as may be the records to which he desires access. If the applicant is an agent or attorney acting for another, he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access.

(b) Official records, within the meaning of this rule, include applications, registrations, petitions, reports and returns filed with the Navy Department by persons not in the Naval service, certain records relating to Naval personnel, and all documents embodying Navy action directly affecting persons outside the Naval service, such as orders, rules, licenses, and contracts. The great mass of material relating to the internal operation of the Navy Department and the Naval forces is not a matter of official record within the meaning of this rule. Official records in the Navy Department's files are merely incidental to the performance of its major functions and it is not practicable to list all types of such official records. The Secretary will, however, determine when application is made whether or not any document is an official record, and whether or not it should be withheld as confidential, according to the principles herein stated.

(c) Without limiting the discretion vested in the Secretary of the Navy by

the other provisions of this rule access will not be granted to:

(1) Material classified "Restricted," "Confidential," "Secret," "Top Secret," or any other security classification which may be established, pursuant to Article 76 of the Navy Regulations.

(2) Material, such as tax returns, which is made confidential by law. (Cl. sec. 55 (f) (1) of the Internal Revenue Code.)

(3) Documents which in the opinion of the Secretary contain information which would be of possible assistance to a foreign power in time of peace or to an enemy in time of war, or containing information which, in his opinion, for reasons of public policy should not be disclosed to persons outside the naval or military establishments.

(4) Documents, the disclosure of which would involve the violation of a statute or the breach of a legal or moral obligation to keep information confidential.

(5) Intra-governmental memoranda, reports, and documents not prepared for publication or not official records. The foregoing are deemed confidential according to the principles herein stated.

(d) The Secretary will also determine whether an applicant is properly and directly concerned with the record to which he seeks access, when it is not specifically covered in this rule.

(e) Officers' and enlisted men's service records are deemed confidential for good cause found within the meaning of this rule except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e. g., executors, conservators, etc., who present proper proof thereof. The serviceman, former serviceman, or personal representative may obtain access to health records by applying to the Chief of the Bureau of Medicine and Surgery, Navy Department, Washington 25, D. C., and to other personnel records to the Chief of Naval Personnel, Navy Department, Washington 25, D. C. Application may be made in person or in writing.

(f) Copies of office records or summaries thereof relating to deaths of naval personnel and information relating thereto will ordinarily be furnished upon application to the Judge Advocate General, Navy Department, Washington 25, D. C., to persons properly and directly concerned.

(g) Access will normally be granted by inspection, at the place where the documents are kept and stored.

(h) If the Secretary determines that one or the other of the principles stated above requires the refusal of a request to make information available, prompt notice of any such refusal will be given to the applicant, together with a simple statement of the grounds for such refusal.

(i) The Secretary has legal custody of all official records of the Navy Department, and no subpoena duces tecum directed to any Navy Department employee or officer other than the Secretary is legally valid or effective to compel such officer or employee to produce any official record of the Navy Department, or other report, paper, or document in its custody. It is hereby declared to be contrary to the public in-

terest to produce in any proceeding or trial any memorandum or document from Navy Department files to which access has not been asked and granted pursuant to this Rule, whether a Public Record or not.

(j) This rule regarding public records has not application to access to records by officers or employees of other agencies or branches of the Government.

(k) This rule regarding public records has no application to any records which by law or policy of the Department are made available to the public generally, to any records which are in the custody of the Archivist of the United States, nor to any records which are disposed of under 44 U. S. C. and Sup. 368 et seq., 57 Stat. 380 as amended.

§ 2.3 *Production of documents in civil court in response to a subpoena duces tecum.* Unless authorized by the Secretary of the Navy, persons in the naval service and civil employees are prohibited from producing official records or copies thereof in a civil court in answer to subpoenas duces tecum, or otherwise, and from disclosing the information described in article 113,¹ Navy Regulations, or the secret and confidential correspondence and information described in article 2005,² Navy Regulations. In all cases where copies of records are desired by or on behalf of parties to a suit, whether in a Federal or State court, such parties will be informed that it has been the invariable practice of the Navy Department to decline to furnish in the case of legal controversies, at the request of the parties litigant, copies of papers or other information to be used in the course of the proceedings, or to grant permission to such parties or their attorneys to make preliminary or informal examination of the records, but that the department will promptly furnish copies of papers or records in such cases upon call of the court before which the litigation is pending. In all cases where the production of records in civil courts is authorized, the original records are not to leave the custody of the person producing them. However, copies of such records may be introduced into evidence. [C-15, Naval Courts and Boards]

Subchapter C—Executive Orders, Proclamations, and Public Land Orders Applicable to the Navy

PART 3—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

Sec.

- 3.1 Regulatory Executive orders; declaring closed ports.
- 3.2 Regulatory Executive orders; establishing naval airspace reservations.
- 3.3 Regulatory Executive orders; establishing defensive sea areas.
- 3.4 Regulatory proclamations; establishing maritime control areas.
- 3.5 Executive orders and public land orders; covering naval reservations.
- 3.6 Public land orders.

¹ Article 113, Navy regulations, is available at the Office of the Chief of Naval Operations, Navy Department.

² Article 2005, Navy Regulations, is available at the Office of the Chief of Naval Operations, Navy Department.

§ 3.1 Regulatory Executive orders; declaring closed ports.

Designation	Locality	No.	Date	Citation
Tortugas.....	Florida.....	E. O. 1013.....	Sept. 23, 1912	
Great Harbor.....	Culebra.....			
Guantanamo.....	Cuba.....			
Pearl Harbor.....	Hawaii.....			
Guam.....	Pacific.....			
Subic Bay.....	Philippine Islands.....			
Kiska.....	Alaska.....			

§ 3.2 Regulatory Executive orders; establishing naval airspace reservations.

Designation	Locality	No.	Date	Citation
Great Harbor.....	Culebra.....	E. O. 5231 (for Subic Bay see also E. O. 8718, 9720).	Feb. 17, 1930	(See E. O. 8961, 6 F. R. 6329).
Guantanamo.....	Cuba.....			
Pearl Harbor.....	Hawaii.....			
Guam.....	Pacific.....			
Subic Bay.....	Philippine Islands.....			
Kiska.....	Alaska.....	E. O. 7133.....	Aug. 12, 1935	(See E. O. 8961, 6 F. R. 6329).
Aleutian Islands.....	Alaska.....	E. O. 8597 (for Sitka Island see also E. O. 9720).	Nov. 18, 1940	6 F. R. 4559.
Sitka Island.....	Alaska.....			
Kodiak Island.....	Alaska.....	E. O. 8680 (see also E. O. 8729).....	Feb. 14, 1941	6 F. R. 1014.
Kiska Island.....	Hawaii.....	E. O. 8681.....	Feb. 13, 1941	6 F. R. 1014.
Unalaska Island.....	Pacific.....	E. O. 8632 (see also E. O. 8729). (For Palmyra Island see also E. O. 9831).	Feb. 14, 1941	6 F. R. 1015.
Kaneohe Bay.....	Pacific.....			
Palmyra Island.....	Pacific.....	E. O. 8683 (see also E. O. 8729).....	Feb. 14, 1941	6 F. R. 1015.
Johnston Island.....	Pacific.....			
Midway Island.....	Pacific.....	E. O. 8634.....	Feb. 14, 1941	6 F. R. 1016.
Wake Island.....	Pacific.....			
Kingman Reef.....	Pacific.....	E. O. 8718.....	Mar. 22, 1941	6 F. R. 1621.
Rose Island.....	Pacific.....	E. O. 8729 (corrects E. O. 8630, 8632, 8633).	Apr. 2, 1941	6 F. R. 1791.
Tutulia Island.....	Pacific.....			
Guam Island.....	Pacific.....	E. O. 8749.....	May 1, 1941	6 F. R. 2252.
Guantanamo.....	Cuba.....			

§ 3.3 Regulatory Executive orders; establishing defensive sea areas.

Designation	Locality	No.	Date	Citation
North Carolina Coast.....	North Carolina.....	E. O. 5786.....	Jan. 30, 1932	
Pearl Harbor.....	Hawaii.....	E. O. 8143.....	May 26, 1939	4 F. R. 2179.
Regulations applicable to all.....	Hawaii.....	E. O. 8381.....	Mar. 22, 1940	5 F. R. 1147.
Kiska Island.....	Alaska.....	E. O. 8630 (see also E. O. 8729, 9787).....	Feb. 14, 1941	6 F. R. 1014.
Unalaska Island.....	Alaska.....			
Kaneohe Bay.....	Hawaii.....	E. O. 8631.....	Feb. 14, 1941	6 F. R. 1014.
Palmyra Island.....	Pacific.....	E. O. 8632 (see also E. O. 8729) (For Palmyra Island see also E. O. 9831).	Feb. 14, 1941	6 F. R. 1015.
Johnston Island.....	Pacific.....			
Midway Island.....	Pacific.....	E. O. 8633 (see also E. O. 8729).....	Feb. 14, 1941	6 F. R. 1015.
Wake Island.....	Pacific.....			
Kingman Reef.....	Pacific.....	E. O. 8634.....	Feb. 14, 1941	6 F. R. 1016.
Rose Island.....	Pacific.....			
Tutulia Island.....	Pacific.....	E. O. 8717.....	Mar. 22, 1941	6 F. R. 1621.
Guam Island.....	Puerto Rico.....	E. O. 8729 (Corrects E. O. 8630, 8632, 8633).	Apr. 2, 1941	6 F. R. 1791.
Culebra Island.....	Alaska.....			
Kodiak Island.....	Alaska.....	E. O. 8749.....	May 1, 1941	6 F. R. 2252.
Kiska Island.....	Alaska.....			
Unalaska Island.....	Alaska.....	E. O. 8957.....	Dec. 20, 1941	6 F. R. 6975.
Palmyra Island.....	Pacific.....			
Johnston Island.....	Pacific.....	E. O. 9276.....	Nov. 25, 1942	7 F. R. 9767.
Midway Island.....	Pacific.....			
Wake Island.....	Pacific.....	E. O. 8749.....	May 1, 1941	6 F. R. 2252.
Kingman Reef.....	Pacific.....			
Rose Island.....	Pacific.....	E. O. 8957.....	Dec. 20, 1941	6 F. R. 6975.
Tutulia Island.....	Pacific.....			
Guam Island.....	Pacific.....	E. O. 9276.....	Nov. 25, 1942	7 F. R. 9767.
Guantanamo Bay.....	Cuba.....			
Honolulu.....	Hawaii.....	E. O. 9276.....	Nov. 25, 1942	7 F. R. 9767.
Regulations applicable to all.....	Hawaii.....			

§ 3.4 Regulatory Proclamations; establishing maritime control areas.

NOTE: Maritime control areas were discontinued by Proclamations 2663, September 11, 1945 (3 CFR, 1945 Supp.) and 2691, May 8, 1946 (3 CFR, 1946 Supp.).

Designation	State or Territory	Easement or other interest	No.	Documents affecting	
				Date	Citation
Adakh Island—Reservation	Alaska		E. O. 8793	June 13, 1932	
Amaknak Island—Reservation	Alaska		E. O. 8793	June 14, 1931	6 F. R. 2241
Blorka Island—Radio Station	Alaska		E. O. 1123	Oct. 19, 1939	
Cold Bay-Dolgai Island—Reservation	Alaska	Patents issued by Fed. Int. (a) Russian Greek Mission Reserve, U. S. Survey No. 758, Tract A, 2.18 A., Tract B, 0.81 A.; (b) Pac. Am. Fisheries Co., U. S. Survey No. 236, Kitchen Anchorage, Belfort Bay, 12.92 A., and Survey No. 223A, Thin Point Sand Spit, Alas. Peninsula NE. of Unga Island, 5.45 A.; and (c) U. S. Survey No. 159, Pac. Amer. Fish Co. Patent, 17.57 A. Total acreage of private rights 44.93 Acres.	E. O. 6314	Oct. 29, 1929	
Do	Alaska		E. O. 8793	Apr. 14, 1931	6 F. R. 1634
Cordova Bay—Reservation	Alaska		E. O. 1222	July 15, 1910	
Radio Station (Eyak)	Alaska		E. O. 2377	Feb. 21, 1917	
Dutch Harbor (Amaknak)	Alaska		P. L. O. 331	Dec. 19, 1910	11 F. R. 14729
Coal Depot			E. O. 1123	Jan. 13, 1939	
Do			E. O. 1123	Jan. 10, 1932	
Radio Station			E. O. 2457	Oct. 1, 1939	
Do			E. O. 1439	Jan. 6, 1912	
			E. O. 2457	Oct. 1, 1939	
			E. O. 771	Mar. 18, 1903	
Hawkins Island—Reservation	Alaska		E. O. 1218	Sept. 25, 1910	
			P. L. O. 339	Mar. 14, 1917	12 F. R. 1914
Icy Cape—Reservation	Alaska		E. O. 3767-A	Feb. 27, 1923	
Jamestown Bay—Reservation	Alaska		E. O. 1123	June 21, 1939	
Japonski Island—Reservation	Alaska		E. O. 1123	June 21, 1939	
Juneau	Alaska	For use of the U. S. Coast Guard	E. O. 9175	May 23, 1942	7 F. R. 3914
Kiska Islands—Reservation	Alaska		E. O. 211	Dec. 9, 1933	
Kodiak Island—Reservation	Alaska		E. O. 8278	Oct. 28, 1939	4 F. R. 4444
Port Graham—Reservation	Alaska	U. S. Survey No. 225 patented to Russian Gr. Church Mission Reserve at Alexandrovsky and U. S. Survey No. 210, patented to Fidalgo Island Packing Company.	E. O. 5214	Oct. 29, 1929	
Seward—Radio Station—Reservation	Alaska		E. O. 2333	Feb. 29, 1917	
Resurrection Bay—Reservation	Alaska	Subject to any existing vested rights of persons within limits.	E. O. 3149	Aug. 16, 1919	
			E. O. 773	Mar. 23, 1903	
Sitka—Reservation—Cemetery	Alaska		E. O. 1123	Jan. 16, 1937	
			E. O. 1123	June 21, 1939	
			E. O. 4325	June 12, 1924	
			E. O. 4257	June 1, 1925	
Sitka Bay—Reservation	Alaska		E. O. 8216	July 23, 1939	4 F. R. 2420
Unalaska Island—Reservation	Alaska		E. O. 5291	June 5, 1930	
Wide Bay—Reservation	Alaska		E. O. 2314	Oct. 29, 1929	
Yakutat Bay—Reservation	Alaska		E. O. 2314	Oct. 29, 1929	
Alameda—Air Station	California		E. O. 7457	Oct. 7, 1936	1 F. R. 1557
Camp Elliott	California	For the use of the U. S. Marine Corps	E. O. 8130	June 14, 1941	6 F. R. 2342
			E. O. 8591	June 14, 1941	6 F. R. 2343
			E. O. 1123	Nov. 6, 1930	
Mare Island—Navy Yard	California		E. O. 1123	Feb. 11, 1933	
			E. O. 457	July 23, 1906	
Mission Rock—Reservation	California		E. O. 1123	Jan. 13, 1939	
			E. O. 1123	Sept. 2, 1912	
			E. O. 1123	Dec. 12, 1912	
			E. O. 2332	June 11, 1923	
			E. O. 4225	May 16, 1925	
			E. O. 4614	Mar. 17, 1927	
			E. O. 6144	Nov. 23, 1933	
			E. O. 6277	Oct. 29, 1942	7 F. R. 8411
			E. O. 6270	Nov. 13, 1942	7 F. R. 9459
			E. O. 6243	May 19, 1943	8 F. R. 6647
Kern County—Elk Hills, Buena Vista Hills Reserves Nos. 1, 2	California		E. O. 6597	Nov. 7, 1934	
			E. O. 7747	Nov. 29, 1937	2 F. R. 2324
			E. O. 7825	Feb. 5, 1933	3 F. R. 278
			E. O. 8363	Sept. 3, 1941	6 F. R. 4553
			E. O. 2323	Feb. 23, 1916	
			E. O. 2366-A	Aug. 1, 1917	
			E. O. 7216	Oct. 29, 1935	
			E. O. 7451	Sept. 17, 1936	1 F. R. 1410
			E. O. 1123	Nov. 6, 1930	
			E. O. 1123	Apr. 12, 1933	
			E. O. 1123	Jan. 29, 1939	
			E. O. 6595	Nov. 7, 1934	
Kern County—Elk Hills, Buena Vista Hills Reserves Nos. 1, 2	California		E. O. 6909	Jan. 31, 1933	
Government Island	California	For the use of the Coast Guard; also partly reserved for Federal Works Agency.	E. O. 1123	May 23, 1914	
			E. O. 7		

Designation	State or Territory	Easement or other interest	No.	Documents affecting	
				Date	Citation
Key West Islands—Reservation	Florida		E. O. 803. E. O. 4060.	June 8, 1903 Aug. 11, 1921	
Pensacola (Live Oak) Reservation	Florida		E. O.	Jan. 10, 1893	
Guam	Guam		E. O. 103-A	Dec. 23, 1893	
Hanepepe (Kona, Kauai) Naval Reservation	Hawaii		E. O. 145 of Governor	Apr. 27, 1923	
Hilo—Radio Station	Hawaii		E. O. 174 of Governor	Dec. 13, 1921	
Honolulu—Reservation	Hawaii		Proc. 427.	Nov. 2, 1893	39 Stat. 1789.
Kure (Ocean) Island	Hawaii		E. O. 7293.	Feb. 20, 1936	
Lahaina (Maul)—Reservation	Hawaii	Subject to civil jurisdiction of Hawaii authorities.	E. O. 146 of Governor E. O. 9785.	Apr. 27, 1923 Oct. 26, 1916	11 F. R. 12697
Lualualei—Ammunition Depot	Hawaii		E. O. 332 of Governor	Jan. 21, 1930	
Radio Station	Hawaii		E. O. 383 of Governor	Feb. 12, 1930	
Palmyra Island	Hawaii	Subject to civil jurisdiction of Hawaii authorities.	E. O. 529 of Governor E. O. 8616.	Dec. 22, 1933 Dec. 19, 1910	5 F. R. 5216.
Pearl Harbor (Alea) Reservation	Hawaii		E. O. 5692.	Aug. 21, 1931	
Pearl Harbor (Bishops Point) Reservation	Hawaii		E. O. 5613.	Apr. 28, 1931	
Wahila District, Oahu Island, Radio Station	Hawaii		E. O. 9362.	July 21, 1943	8 F. R. 10339.
Wallape—Radio Station	Hawaii		E. O. 79 of Governor E. O. 603 of Governor	Oct. 20, 1920 Jan. 21, 1934	
Great Lakes—Training Station	Illinois		Proc. 1493.	Nov. 4, 1918	40 Stat. 1874.
Martin County and White River Land Utilization Projects.	Indiana		E. O. 8910. E. O. 9160.	Sept. 27, 1941 May 11, 1942	6 F. R. 4963. 7 F. R. 3541.
Blackstone Island—Proving Ground	Maryland		E. O. 9273.	Nov. 18, 1942	7 F. R. 9629.
White Plains Railroad Right-of-way	Maryland		Proc. 1614.	Mar. 4, 1919	40 Stat. 1935.
Hingham—Ammunition Depot	Massachusetts		Proc. 1472.	Aug. 7, 1918	40 Stat. 1820.
Squantum—Reservation	Massachusetts		E. O. 7138.	Aug. 12, 1935	
Boulder City Airport—Reservation	Nevada		E. O. 7377.	May 20, 1936	1 F. R. 423.
Hawthorne—Ammunition Depot	Nevada	Private land claims and mineral claims within reservation.	E. O. 8821. P. L. O. 311.	July 16, 1941 Jan. 21, 1946	6 F. R. 3529. 11 F. R. 1820
Cape May—Air Station	New Jersey		E. O. 4531.	Oct. 27, 1926	
Lake Denmark—Ammunition Depot	New Jersey		E. O. 5664.	July 2, 1931	
Midway Islands—Reservation	Pacific		E. O. 5828.	Mar. 30, 1932	
Wake Island—Reservation	Pacific		E. O. 6958.	Feb. 4, 1935	
Fort Mifflin Ammunition Depot	Pennsylvania		Proc. 1504.	Dec. 2, 1918	40 Stat. 1912.
Philadelphia Depot of Supplies	Pennsylvania		Proc. 1472.	Aug. 7, 1918	40 Stat. 1820.
Baguio—Reservation	Philippine Islands		Proc. 1472.	Aug. 7, 1918	40 Stat. 1820.
Canacao-Sangley Point—Reservation	Philippine Islands		E. O. 1254.	Oct. 10, 1910	
Cape Bojeador	Philippine Islands		E. O. 5139.	June 19, 1929	
Romblon	Philippine Islands		E. O. 5139.	June 19, 1929	
San Fernando	Philippine Islands		E. O. 5139.	June 19, 1929	
Baguio	Philippine Islands		E. O. 5139.	June 19, 1929	
Abuyog	Philippine Islands		E. O. 5139.	June 19, 1929	
Cuyo	Philippine Islands		E. O. 5139.	June 19, 1929	
Cavite—Navy Yard	Philippine Islands		E. O. 1215.	June 17, 1910	
Cebu—Coal Depot	Philippine Islands		E. O. 1026.	Nov. 26, 1902	
Olongapo—Naval Station	Philippine Islands		E. O. 1026.	Feb. 13, 1909	
Culebra—Reservation	Puerto Rico	Subject to private rights.	E. O. 5678.	Dec. 17, 1931	47 Stat. 2152.
San Geronimo—Reservation	Puerto Rico		Proc. 1970.	Sept. 15, 1931	6 F. R. 935.
San Juan—Air Station	Puerto Rico		E. O. 5678.	Feb. 11, 1941	
Newport (Gould Island) Torpedo Station	Rhode Island		Proc. 1472.	Aug. 7, 1918	40 Stat. 1820.
Tululla—Naval Station	Samoa		E. O.	Feb. 19, 1900	
Parris Island Marine Barracks	South Carolina		Proc. 1472.	Aug. 7, 1918	40 Stat. 1820.
Vernal—Oil Shale Reserve	Utah		E. O.	Dec. 6, 1916	
Dahlgren—Proving Ground	Virginia		E. O. 4614.	Nov. 17, 1924	
Norfolk—Fuel Depot	Virginia		Proc. 1453.	Mar. 17, 1927	
Norfolk—Operating Base	Virginia		Proc. 1494.	June 10, 1918	40 Stat. 1700.
Quantico—Marine Corps Base	Virginia		E. O. 4716.	Nov. 4, 1918	40 Stat. 1835.
Yorktown—Mine Depot; Fuel Oil Depot	Virginia		E. O. 4671.	June 20, 1927	
St. Thomas—Naval Station	Virgin Islands		E. O. 4814.	Sept. 12, 1927	
Ediz Hook Spit—Reservation	Washington		Proc. 1379.	Feb. 24, 1923	
Bremerton—Navy Yard	Washington		Proc. 1493.	June 23, 1917	40 Stat. 1674.
Harbor Rocks—Reservation	Washington		E. O. 3179.	Nov. 4, 1918	40 Stat. 1874.
North Pacific Rock—Reservation	Washington		Proc. 1472.	Nov. 25, 1919	
Casper—Petroleum Reserve	Wyoming		Proc. 1492.	Aug. 7, 1918	40 Stat. 1820.
			E. O. 5602.	Nov. 2, 1918	40 Stat. 1863.
			E. O. 7302.	Apr. 20, 1931	
			E. O. 7686.	Feb. 21, 1936	
			E. O. 7780.	Aug. 5, 1937	2 F. R. 1374.
			E. O. 8103.	Jan. 12, 1938	3 F. R. 82.
			E. O. 8201.	May 2, 1939	4 F. R. 1771.
			E. O. 8643.	July 11, 1939	4 F. R. 2955.
			E. O. 8775.	Jan. 21, 1941	6 F. R. 691.
			E. O. 2646.	June 10, 1941	6 F. R. 2816.
			E. O. 6594.	June 17, 1917	
			E. O. 8493.	Feb. 9, 1934	
			E. O. 3296.	July 27, 1940	5 F. R. 2699.
			Proc. 1493.	June 29, 1920	
			E. O. 8072.	Nov. 4, 1918	40 Stat., 1874.
			E. O.	Mar. 21, 1939	4 F. R. 1291.
			E. O. 4614.	Apr. 30, 1915	
			E. O. 5901.	Mar. 17, 1927	
				Aug. 18, 1932	

§ 3.6 Public land orders.

State	No.	Date	Citation	State	No.	Date	Citation
California	14	July 21, 1942	7 F. R. 5317	California	270	May 22, 1945	10 F. R. 6314
Florida	30	Aug. 14, 1942	7 F. R. 7182	Alaska	230	do	10 F. R. 6314
Washington	38	Sept. 8, 1942	7 F. R. 7225	California	231	May 22, 1945	10 F. R. 6314
California	41	Sept. 18, 1942	7 F. R. 7638	Alaska	232	May 31, 1945	10 F. R. 6343
California	70	Dec. 16, 1942	8 F. R. 32	California	233	do	10 F. R. 6343
California	99	Mar. 17, 1943	8 F. R. 5743	Alaska	234	July 29, 1945	10 F. R. 6472
California	138	June 10, 1943	8 F. R. 5578	California	235	Aug. 8, 1945	10 F. R. 6472
Michigan	237	June 22, 1944	9 F. R. 7556	Nevada	311	Jan. 21, 1947	11 F. R. 1520
Oregon	238	do	9 F. R. 7556	Idaho	318	May 13, 1945	11 F. R. 5745
Washington	241	Aug. 1, 1944	9 F. R. 6782	Alaska	334	Dec. 19, 1945	11 F. R. 14722
Washington	247	Oct. 9, 1944	9 F. R. 12554	Alaska	339	Mar. 14, 1947	12 F. R. 1344
Nevada	268	Mar. 16, 1945	10 F. R. 3153	Nevada	331	Aug. 4, 1947	12 F. R. 5133
Florida	267	do	12 F. R. 859	Washington	337	Aug. 19, 1947	12 F. R. 5779
Nevada	275	Apr. 23, 1945	10 F. R. 4517				
Idaho	278	May 21, 1945	10 F. R. 6313				

Subchapter D—Procedures Applicable to the Public

NOTE: In Subchapter D of this chapter, Parts 10 to 25, inclusive, apply to Personnel; Parts 30 to 37, inclusive, apply to Procurement, Property, Patents, and Contracts; Parts 40 to 44, inclusive, apply to Claims; Parts 45 to 46 apply to Islands Under Navy Jurisdiction; and Part 50 contains miscellaneous rules.

PART 10—PROCUREMENT OF OFFICERS AND ENLISTED PERSONNEL

Sec.

10.1 Statutory authority.

10.2 Method of procurement.

10.3 Benefit guide.

AUTHORITY: §§ 10.1 to 10.3, inclusive, issued under 30 Stat. 1008, as amended, 35 Stat. 146, as amended, 38 Stat. 103, as amended, 39 Stat. 610, 54 Stat. 864, as amended, 55 Stat. 422, 730 as amended, 60 Stat. 92, 933, 1057; 34 U. S. C. and Sup., 634, 887, 634, 1057, 632, 633, 636, 639, 667, 737, 338, 857-857g, 2, 15, 16, 151, 153, 228a, 272a, 691, 339, 350g, 853b, 854c, 854g, 854 note, 61, 405a, 821, 1020, 1020a-1, 1039, 1040, 1045a.

§ 10.1 *Statutory authority.* The Navy Department is authorized by various statutes including the act of August 13, 1946 (Pub. Law 729, 79th Cong., 60 Stat. 1057, 34 U. S. C. 61, 405a, 821, 1020, 1020a-1, 1039, 1040, 1045a) the act of August 10, 1946 (Pub. Law 720, 79th Cong., 60 Stat. 993; 34 U. S. C. 339, 350g, 853b, 854c, 854g, 854 note) the act of April 18, 1946 (Pub. Law 347, 79th Cong., 60 Stat. 92; 34 U. S. C. 2, 15, 16, 151, 153, 228a, 272a, 691) the act of July 30, 1942 (56 Stat. 730; 34 U. S. C. Sup., 857-857g) the act of June 27, 1942 (56 Stat. 422; 34 U. S. C., Sup., 338) the act of August 27, 1940 (54 Stat. 864, as amended; 34 U. S. C. and Sup., 737) the act of August 29, 1916 (39 Stat. 610; 34 U. S. C. 632, 633, 636, 639, 667) the act of July 9, 1913 (38 Stat. 103; 34 U. S. C. 634, 1057) the act of May 13, 1908, as amended (35 Stat. 146; 34 U. S. C. 887) and the act of March 3, 1899 (30 Stat. 1008; 34 U. S. C. 634) to procure officers and enlisted personnel for the Naval Service including the Marine Corps, Marine Corps Women's Reserve, Navy Nurse Corps and the WAVES.

§ 10.2 *Method of procurement.* (a) For Naval Reserve and Marine Corps Reserve personnel procurement see Parts 14-15 of this chapter.

(b) *Enlisted personnel, Regular Navy.*—(1) *Recruiting stations.* The Navy Department maintains recruiting stations in various parts of the country which will receive and process applications for enlistment in the Naval Service.

(2) *Information.* Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director, Recruiting Division, Bureau of Naval Personnel, Navy Department, Washington 25, D. C.

(c) *Enlisted personnel, Marine Corps.*—(1) *Recruiting stations.* The Marine Corps maintains recruiting stations in the major centers of population throughout the country which will receive and process applications for the Marine Corps.

(2) *Information.* Information as to the location of the nearest recruiting station may be obtained from any post office or by writing the Director of Recruiting, Headquarters U. S. Marine Corps, Washington 25, D. C.

(d) *Officers of the Navy.* The Navy Department maintains ten main offices and seven branch offices of Naval Officer Procurement in the larger cities throughout the country which will receive and process applications for commissions in the Naval Service and applications for enlistment and appointment in the WAVES.

(1) *Naval Reserve Officers' Training Corps, Navy Aviation College Program, and direct appointments from civil life in accordance with section 6 (b) of the act of August 10, 1946, supra.* Information concerning these programs are in Parts 12 and 13 of this Chapter.

(2) *The Naval Academy.* Appointments to the Naval Academy at Annapolis are made by the President, Vice-President, Secretary of the Navy, each Senator, Representative and Delegate to Congress. In addition, appointments are made as a result of competitive examination from the Regular Navy and Marine Corps. Regulations governing the admission of candidates into the U. S. Naval Academy as midshipmen are in Part 11 of this Chapter.

(3) *Candidates for Lieutenant (jg) Medical Corps.* (i) Appointees to the grade of lieutenant (jg) Medical Corps, must be between the ages of 21 and 32 at the time of appointment. Their physical, moral, mental, and professional qualifications must be approved by a board of medical officers.

(ii) Lieutenants (jg), Medical Corps, for temporary service may be appointed after such examination as the Secretary of the Navy may prescribe. (Art. 1636, U. S. Navy Regulations, 1920.)

(4) *Candidates for Lieutenant (jg), Dental Corps.* (i) Appointees to the grade of lieutenant (jg), Dental Corps,

must be between the ages of 21 and 32 at the time of appointment. They must be graduates of standard medical or dental colleges and trained in the several branches of dentistry. Before appointment they must successfully pass mental, moral, physical and professional examinations before medical and professional examining boards.

(ii) The professional board shall consist of one medical officer, who shall be senior member thereof, and two officers of the dental corps. (Art. 1637, U. S. Navy Regulations, 1920.)

(5) *Candidates for lieutenant (jg) Supply Corps.* (i) A candidate from civil life for original appointment to the Supply Corps of the Navy must be not less than 21 nor more than 25 years of age. His physical, mental, and moral qualifications must be examined and approved by a board of officers of the Supply Corps.

(ii) The physical examination of the candidates shall be conducted by a board of medical officers, who shall report the result thereof to the board of officers of the Supply Corps, certifying as to the physical qualifications of the candidate for appointment as lieutenant (jg) Supply Corps, and such report shall form a part of the record of said board of officers of the Supply Corps.

(iii) A chief pay clerk or pay clerk who is a candidate must be between the ages of 21 and 35. He shall fulfill such requirements as the Secretary of the Navy may prescribe. (Art. 1638, U. S. Navy Regulations, 1920.)

(6) *Candidates for Lieutenant (jg) Chaplains Corps.* (i) A candidate for the office of lieutenant (jg), Chaplains Corps, must be not less than 21 nor more than 35 years of age at the time of his appointment. He must be a regularly ordained minister of good standing in his denomination. His moral character, general fitness, and experience shall be established to the satisfaction of a board of chaplains, which shall conduct a written examination to determine his mental attainments. The physical examination of the candidate shall be conducted by a board of medical officers.

(ii) Original appointments shall be made to the grade of lieutenant (jg) Chaplains Corps, after such examination as may be prescribed by the Secretary of the Navy.

(7) (i) *Candidates for Lieutenant (jg) Civil Engineer Corps.* A candidate from civil life for the office of lieutenant (jg) Civil Engineer Corps, must be not less than 22 nor more than 30 years

of age, must be a graduate in engineering from a technical school or university of approved standing, and must show evidence that he is proficient in the practice of his profession. He shall be required to pass a physical examination and such mental and professional examinations as the Secretary of the Navy may direct. (Art. 1640, U. S. Navy Regulations, 1920.)

(ii) *Candidates for ensign, Civil Engineer Corps.* A candidate for ensign, Civil Engineer Corps, must be not less than 21 nor more than 26 years of age, and must be a graduate of an accredited college or university with a scientific degree in engineering. He shall be required to pass a physical examination, and to establish mental, moral, and professional fitness as well as aptitude for the service as prescribed by the Secretary of the Navy.

(8) *Appointment of warrant officers.* (i) Appointments as warrant officers shall be made only after competitive professional examination before boards consisting of at least three commissioned officers, from candidates who fulfill all requirements prescribed by the Navy Department.

(ii) The qualifications to be possessed by candidates for appointment as warrant officers shall be prescribed by the Bureau of Naval Personnel after consultation with other bureaus concerned. The Bureau of Naval Personnel shall determine the time and manner of holding examinations for warrant officers. (Art. 1641, U. S. Navy Regulations, 1920.)

(9) *General—(i) Appointment made subject to examination.* No person shall be appointed to any office in the Navy unless he is a citizen of the United States nor until he shall have passed a physical, a mental, and a professional examination.

The physical examination shall precede the mental and professional, and if a candidate be physically unfit he shall not be examined otherwise.

The oath to be taken by any person appointed to any office of honor or profit in the naval service shall be prescribed in section 1757 of the Revised Statutes.

Each candidate shall, before appointment, be required to submit, in addition to his sworn statement, satisfactory proof of citizenship, which proof will be filed with the record of his examination. (Art. 1631, U. S. Navy Regulations, 1920.)

(ii) *Persons not presenting themselves for examination.* Any person who fails to present himself for examination for appointment at the time specified after having obtained permission shall not thereafter be examined except upon authority of the Secretary of the Navy. (Art. 1643, U. S. Navy Regulations, 1920.)

(iii) *Penalty for giving false certificates, etc.* Any candidate who gives a false certificate of age, time of service, or character, or makes a false statement to a board of examiners, shall be regarded as disqualified. (Art. 1644, U. S. Navy Regulations, 1920.)

(iv) *Acceptance and oath.* Every person on receiving an appointment from the Navy Department to any office in the Navy, shall immediately forward a letter of acceptance, together with the

oath of office duly signed and certified. (Art. 1645, U. S. Navy Regulations, 1920.)

(e) *Officers of the Marine Corps.* Information concerning appointment to commissioned rank in the Marine Corps may be obtained by writing to the Director of Personnel, Marine Corps, Washington 25, D. C. Officers in Charge of Recruiting Divisions and Districts, Directors of Marine Corps Reserve Districts, and Commanding Officers and Inspector-Instructors of Marine Corps Reserve activities are cognizant of Marine Corps officer procurement programs.

(1) *General qualifications.* (i) Be a male citizen of the United States.

(ii) Be more than twenty (20) years of age on appointment, and if from the Naval Reserve Officers Training Corps or from civil life, be not more than twenty-five (25) years of age on 1 July of the calendar year in which appointed.

(iii) Be mentally, morally, professionally, and physically qualified.

(2) *Sources.* (i) The Naval Academy, the Naval Reserve Officers Training Corps, and the Navy Aviation College Program (Aviation Cadet Program)

(a) *Admission.* Annually, enlisted men are given the opportunity to compete by written examinations for assignment to these officer-candidate training programs.

(b) *Commissioning upon graduation.* Qualified graduates may be commissioned as Second Lieutenants, U. S. Marine Corps, on a voluntary basis.

(ii) Commissioned Warrant, Warrant Officers, and Enlisted Men of the Marine Corps.

(a) Qualified enlisted men who have successfully completed a four-year course of instruction at an accredited college or university or demonstrated by test the attainment of an equivalent educational level may be commissioned Second Lieutenant, U. S. Marine Corps (Pub. Law 729—79th Cong.)

(b) Commissioned Warrant Officers, Warrant Officers, and first pay grade noncommissioned officers and other enlisted men who have sufficient previous service and are otherwise qualified may be commissioned (Act of June 27, 1942 (56 Stat. 422; 34 U. S. C. Sup., 338) and the act of August 10, 1946 (Pub. Law 720, 79th Cong.))

(iii) Civil life: Graduates of accredited colleges and universities may be appointed as Second Lieutenant, U. S. Marine Corps, provided otherwise qualified (act of August 13, 1946, Pub. Law 729, 79th Cong.)

§ 10.3 *Benefit Guide.* (a) The pamphlet Benefit Guide for Officers and Enlisted Men, United States Navy and United States Naval Reserve, is published by the Bureau and contains all information regarding benefits to which beneficiaries of officers and enlisted men of the Regular Navy and Naval Reserve are entitled. This pamphlet describes all papers, documents, etc., that are necessary to substantiate claims, and also gives a list of charitable organizations which furnish emergency aid to families of deceased officers and men.

(b) The many cases handled by the Bureau of Naval Personnel show that in the majority of cases the beneficiaries are unaware or have incorrect information of the benefits accruing to them, sometimes to their inconvenience and pecuniary loss. [Art. C-8002, Bureau of Naval Personnel Manual.]

PART 11—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

GENERAL

- Sec.
- 11.1 No provision for traveling expenses of rejected candidates for appointment as midshipman; entrance fee.
 - 11.2 Preliminary physical examination for candidates.
 - 11.3 General qualifications of candidates.
 - 11.4 Physical standards and disqualifying defects.
 - 11.5 Preliminary examination in certain cases.
 - 11.6 Results of physical examination; distribution.
 - 11.7 Physical examinations; where and by whom.
 - 11.8 Selection of candidates by members of Congress; by Secretary of the Navy.
 - 11.9 Residence of candidates.
 - 11.10 Inquiries relative to appointments and competitive examinations.

NOMINATIONS AND APPOINTMENTS

- 11.11 Physical requirements.
- 11.12 Nomenclature.
- 11.13 Allowance of nominations.
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- 11.15 Course of instruction.
- 11.16 Disposition after graduation.

AGE, MORAL, AND CITIZENSHIP REQUIREMENTS; MARRIAGE

- 11.17 Age limits; citizenship.
- 11.18 Moral character.
- 11.19 Marital status.

METHODS OF ADMISSION

- 11.20 When candidates may be mentally examined.
- 11.21 When alternates may be mentally examined.
- 11.22 Time and place of examination.
- 11.23 Separate methods for mental qualifications.
- 11.24 College certificate method.
- 11.25 Review work where candidate has failed.
- 11.26 Number of alternates.
- 11.27 Time of examination under college certificate method.
- 11.28 Preparation of examination papers.
- 11.29 Limitation upon reexamination.
- 11.30 Renomination.
- 11.31 Requirements for second examination.
- 11.32 Correspondence relative to examination.
- 11.33 Time of entrance.
- 11.34 No annual leave granted first year student.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE ONLY

- 11.35 When admission is based on certificate only.
- 11.36 Evaluation of courses.
- 11.37 Length of college attendance.
- 11.38 Certificate method not to affect other requirements.
- 11.39 Accredited colleges, universities, and technical schools.
- 11.40 Requirements for admission by qualifying certificates.

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Sec.

- 11.41 When admission is based on certificate and substantiating examination.
- 11.42 Rejection of certificate.
- 11.43 Secondary school to stand as sponsor when certifying a candidate.
- 11.44 Definition of unit.
- 11.45 Necessary requirements for acceptance of a certificate.
- 11.46 Submission of certificate in advance of graduation.
- 11.47 Decision as to which examination candidate will take.
- 11.48 Admission by certificate methods considered a privilege.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON REGULAR EXAMINATION

- 11.49 When admission is based on regular examination.
- 11.50 List of subjects which can be used for certification.
- 11.51 Definition of unit and of ground covered.

DEFINITION OF CERTAIN OF THE SUBJECTS LISTED IN THE CERTIFICATE

- 11.52 Definition of mathematics.
- 11.53 Definition of English.
- 11.54 Definition of history.
- 11.55 Definition of physics.

SCOPE OF THE SUBJECTS COVERED IN THE ENTRANCE EXAMINATIONS

- 11.56 Scope of subjects covered.
- 11.57 Scope of algebra examination.
- 11.58 Scope of plane geometry and plane trigonometry examination.
- 11.59 Scope of English examination.
- 11.60 Scope of history examination.
- 11.61 Scope of physics examination.

TIME SCHEDULE

- 11.62 Time schedule; mental examinations.

ENTRANCE PROCEDURE AND EQUIPMENT

- 11.63 Entrance procedure.
- 11.64 Course of training; standing in class.
- 11.65 Pay of midshipmen.
- 11.66 Personal effects.
- 11.67 Deposit required.
- 11.68 Credit allowance.
- 11.69 Mileage allowance.
- 11.70 Available accommodations for candidates taking formal physical examination.

AUTHORITY: §§ 11.1 to 11.70, inclusive, issued under R. S. 1547, 1511-1523, as amended; 34 U. S. C., and Sup., 1021-1120.

NOTE: The text of §§ 11.1 to 11.70, inclusive, is also contained in Regulations Governing the Admission of Candidates into the United States Naval Academy as Midshipmen, June 1947.

GENERAL

§ 11.1 *No provision for traveling expenses of rejected candidates for appointment as midshipman; entrance fee.* Each candidate who receives a formal order authorizing him to report at the Naval Academy for the final physical examination for admission should provide himself in advance with means for returning home in the event that he be rejected by the permanent medical examining board and the board of medical review and he must provide himself with sufficient funds to defray his living expenses during the examination period of not less than 3 days. He must, prior to acceptance as a midshipman, deposit the required \$100 entrance fee.

§ 11.2 *Preliminary physical examination for candidates.* (a) Before leaving their places of residence for Annapolis, all candidates for admission to the Naval Academy should be given a careful physical examination by a competent physician, and a careful dental examination by a competent dentist. By such examinations any disqualification would be revealed, and the candidate spared the disappointment of rejection by the Permanent Board of Medical Examiners at the Naval Academy and needless expense.

(b) The Navy Department has made available to all candidates for the Naval Academy places where a careful preliminary physical examination can be obtained at no expense to the candidate. The preliminary physical examinations are conducted by medical specialists and the procedure followed is very similar to that given by the Permanent Board of Medical Examiners at the Naval Academy where the final physical examination is given to all successful candidates authorized for admission.

(c) These preliminary physical examinations are conducted at all Naval Hospitals and Hospital Ships listed below and will be given to any candidate presenting a letter from a Member of Congress so requesting. It is advisable that appointment be made in advance.

LIST OF PLACES AT WHICH PRELIMINARY PHYSICAL EXAMINATIONS WILL BE HELD

NAVAL HOSPITALS

- U. S. Naval Hospital, Annapolis, Md.
- U. S. Naval Hospital, Naval Training Center, Bainbridge, Md.
- U. S. Naval Hospital, National Naval Medical Center, Bethesda 14, Md.
- U. S. Naval Hospital, 263 Flushing Ave., Brooklyn 5, N. Y.
- U. S. Naval Hospital, Camp Lejeune, N. C.
- U. S. Naval Hospital, Chelsea 50, Mass.
- U. S. Naval Hospital, Corona, Calif.
- U. S. Naval Hospital, Corpus Christi, Tex.
- U. S. Naval Hospital, Dublin, Ga.
- U. S. Naval Hospital, Naval Training Center, Great Lakes, Ill.
- U. S. Naval Hospital, P. O. Box 2051, Houston, Tex.
- U. S. Naval Hospital, Naval Air Station, Jacksonville, Fla.
- U. S. Naval Hospital, Key West, Fla.
- U. S. Naval Hospital, 7th and Ballflower St., Long Beach 4, Calif.
- U. S. Naval Hospital, Memphis 15, Tenn.
- U. S. Naval Hospital, Naval Base, Charleston, S. C.
- U. S. Naval Hospital, Naval Base, Newport, R. I.
- U. S. Naval Hospital, Naval Station, South Annex, Norfolk 11, Va.
- U. S. Naval Hospital, 5750 Mountain Blvd., Oakland 14, Calif.
- U. S. Naval Hospital, Santa Margarita Ranch, Camp Pendleton, Oceanside, Calif.
- U. S. Naval Hospital, Parris Island, S. C.
- U. S. Naval Hospital, Post Office, 10030, Pensacola, Fla.
- U. S. Naval Hospital, 17th St. and Pattercon Ave., Philadelphia 45, Pa.
- U. S. Naval Hospital, Portsmouth, N. H.
- U. S. Naval Hospital, Portsmouth, Va.
- U. S. Naval Hospital, Quantico, Va.
- U. S. Naval Hospital, St. Albans, L. I. 12, N. Y.
- U. S. Naval Hospital, San Diego 34, Calif.
- U. S. Naval Hospital, Mare Island, Vallejo, Calif.
- U. S. Naval Hospital, Naval Base, Bremerton, Wash.

HOSPITAL SHIPS

- U. S. S. "Haven" (AH-12).
- U. S. S. "Benevolence" (AH-13).
- U. S. S. "Tranquillity" (AH-14).
- U. S. S. "Consolation" (AH-15).
- U. S. S. "Repose" (AH-16).
- U. S. S. "Sanctuary" (AH-17).

§ 11.3 *General qualifications of candidates.* (a) A sound body and constitution, suitable preparation, good natural capacity, an aptitude for study, industrious habits, perseverance, and obedient and orderly disposition, and a correct moral deportment are such essential qualifications that candidates knowingly deficient in any of these respects should not, as many do, subject themselves and their friends to the chances of future mortification and disappointment by accepting appointments to the Naval Academy and entering on a career which they cannot successfully pursue.

(b) Candidates should not report for physical examination and admission to the Naval Academy unless they are convinced by a careful consideration of their personal and their family circumstances that they will be satisfied to remain at the Naval Academy, complete the course, and accept commissions as Ensigns of the line, or such other commissions as may be offered in the United States Navy.

§ 11.4 *Physical standards and disqualifying defects.*—(a) *General.*—(1) *Standards.* Candidates are required to be physically sound, well formed, and of robust constitution. A thorough general inspection of the entire body should be made, noting the proportion and symmetry of the various parts of the body, the chest development, the condition and tone of the muscles, the general nutrition, the character of the skin, the presence of any deformities or of signs of immaturity. This examination frequently determines the fact of the applicant's unfitness for the service; it may show him to be undersized, underweight, undeveloped, pale and emaciated, poorly nourished, with thin flabby muscles, or manifestly lacking in stamina and resistance to disease.

(2) *Disqualifying defects.* (i) Any deformity which is repulsive or which prevents the proper functioning of any part to a degree interfering with military efficiency.

(ii) Deficient muscular development.

(iii) Deficient nutrition.

(iv) Evidences of physical characteristics of congenital asthenia, such as slender bones, a weak, ill-developed thorax, nephroptosis, gastroptosis, constipation, and the "drop" heart, with its peculiar attenuation and weak and easily fatigued musculature.

(v) All acute diseases.

(vi) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; uncinariasis, tuberculosis; leprosy, actinomycosis; pellagra or beriberi, chronic articular rheumatism, or chronic arthritis; cellulitis or osteomyelitis; malignant diseases of all kinds in any location; hemophilia or purpura; leukemia of all types; pernicious anemia; splenic anemia; trypanosomiasis; filari-

asis which has produced permanent disability or deformity, history of an acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream, chronic metallic poisoning, and allergy.

(b) *Age, height, weight and chest measurements*—(1) *Standards*. The figures in the table below are minimum for growing youths and are for the guidance of medical officers in connection with the other data obtained at the examination, a consideration of all of which will determine the candidate's physical eligibility. The requirements shall be those of the age at the birthday nearest the date of examination. Fractions greater than one-half inch in height shall be considered as an additional inch.

TABLE OF STANDARDS FOR MIDSHIPMAN (MINIMUM)

Age (years)	Height (inches)	Weight	Chest at expiration	Expansion required
		<i>Lb.</i>	<i>In.</i>	<i>In.</i>
17	65½ and under 68	114	31	2
	68 and under 70	119	31½	2
	70 and under 72	125	32	2½
	72 and under 74	130	32½	2½
	74 to 76	137	33½	2½
18	65½ and under 68	119	32	2
	68 and under 70	124	32½	2½
	70 and under 72	130	32½	2½
	72 and under 74	135	33½	2½
	74 to 76	142	34½	2½
19	65½ and under 68	124	32½	2
	68 and under 70	129	33	2½
	70 and under 72	135	33½	2½
	72 and under 74	140	33½	2½
	74 to 76	145	34½	2½
20	65½ and under 68	129	32½	2
	68 and under 70	134	33	2½
	70 and under 72	140	33½	2½
	72 and under 74	148	34½	2½
	74 to 76	153	35½	2½
21	65½ and under 68	136	33	2
	68 and under 70	148	33½	2½
	70 and under 72	162	34	2½
	72 and under 74	167	35	2½
	74 to 76	162	35½	2½

(2) *Disqualifying defects*. No one manifestly undersize for his age will be admitted to the Academy. The height of all candidates for admission shall not be less than 5 feet 5½ inches (65½ inches) regardless of age, and no increase in height shall be required for commission upon graduation. The maximum height is 76 inches, and growing youths below 18 shall not be accepted if above 75 inches in height. Any marked deviation in the height and weight relative to the age of a candidate will add materially to consideration for rejection.

(c) *The skin*—(1) *Standards*. The skin should be carefully inspected for eruptions; for signs of anemia, jaundice, and other symptoms of disease; for hypodermic and other scars; and for pediculi. As a general rule, applicants extensively infested with vermin and filthy in person and clothing should be rejected as probably being unsuited for the military service.

(2) *Disqualifying defects*. (i) Eczema of long standing or which is rebellious to treatment.

(ii) Chronic impetigo, pemphigus, lupus, or syphilis.

(iii) Actinomycosis, dermatitis herpetiformis, or mycosis fungoides.

(iv) Extensive psoriasis or ichthyosis.

(v) Acne upon face or neck which is so pronounced as to amount to positive deformity or is of such an extent over the shoulders as would interfere with carrying equipment.

(vi) Elephantiasis.

(vii) Pediculosis or scabies.

(viii) Carbuncle.

(ix) Ulcerations of the skin not amenable to treatment, or those of long standing, or of considerable extent, or of syphilitic or malignant origin.

(x) Extensive, deep, or adherent scars that interfere with muscular movements or with the wearing of equipment, or that show a tendency to break down and ulcerate.

(xi) Naevi and other erectile tumors if extensive, disfiguring, or exposed to constant pressure.

(xii) Obscene, offensive, or indecent tattooing. The applicant should be given an opportunity to alter the design, in which event he may, if otherwise qualified, be accepted.

(xiii) Pilonidal cyst or sinus.

(d) *The head*—(1) *Standards*. The head should be carefully inspected for stigmata of degeneration. Every portion of the cranium should be palpated for evidence of former injury, depressions from any cause, and for other deformity.

(2) *Disqualifying defects*. (i) Tinea in any form.

(ii) All benign tumors which are of sufficient size to interfere with the wearing of military headgear.

(iii) Imperfect ossification of the cranial bones or persistence of the anterior fontanelles.

(iv) Extensive cicatrices, especially such adherent scars as show a tendency to break down and ulcerate.

(v) Depressed fractures or other depressions, or loss of bony substance of the skull, unless the examiner is certain the defect is slight and will cause no future trouble.

(vi) Monstrosity of the head or hydrocephalus.

(vii) Hernia of the brain.

(viii) Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

(e) *The face*—(1) *Standards*. The face should be inspected for abnormalities indicative of disease or occasioning an unacceptable cosmetic effect.

(2) *Disqualifying defects*. (i) Extreme ugliness.

(ii) Unsightly deformities, such as large birthmarks, large hairy moles, extensive cicatrices, mutilations due to injuries or surgical operations, tumors, ulcerations, fistulae, atrophy of a part of the face, or lack of symmetrical development.

(iii) Persistent neuralgia, tic douloureux, or paralyses of central nervous origin.

(f) *Central nervous system and neuropsychiatric*—(1) *Standards*. (i) The detection of neurological and psychiatric disorders and diseases is perhaps the most difficult part of a physical examination. Every effort should be made to detect the mentally deficient, the temperamentally unsuited, the emotionally unstable, and those who show evidence

of neurological disease. The importance and value of a thorough examination of the individual's temperamental suitability and emotional capacity to adjust to the needs of the service cannot be overestimated.

(ii) The neurological examination should be conducted as follows: The individual should be examined stripped. He should walk a straight line at a brisk pace with his eyes open, stop, and turn around. He should then return in the same manner with his eyes closed, stop, and turn around. Look for spastic, ataxic, incoordinate, or limping gait; absence of normal associated movements; deviation to one side or the other; the presence of abnormal involuntary movements; undue difference in performance with the eyes open and closed. The individual should then stand erect, feet together, arms extended in front. Look for unsteadiness and swaying, deviation of one or both of the arms from the assumed position, tremors, or other involuntary movements. With eyes closed, the candidate should then touch his nose with the right and left index finger. Look for ataxia, tremors, overshooting, particularly at the end of the movement. Examine joint and spine movements and muscle condition. Look for muscle atrophy or pseudohypertrophy, muscular weakness, limitation of joint movement, and spine stiffness. As to pupils, look for irregularity, inequality, diminished or absent contraction to light, movements of eyes, facial muscles, and tongue. Look for strabismus, ptosis, sustained nystagmus, tremors of retracted lips, asymmetry or tremors of face or tongue. Sensation should be examined by pricking lightly each side of the forehead, bridge of nose, and chin, across the volar surface of each wrist and dorsum of each foot. Look for inequality of sensation right and left. If these sensations are abnormal, vibration sense should be tested at ankles and wrists by tuning fork. With eyes closed, the candidate should move each heel down the other leg from knee to ankle. Test sense of movement of great toes and thumb. Look for diminution or loss of vibration and sense of position, and ataxia. Knee jerks and plantar reflexes should be tested. When indicated, appropriate laboratory tests and X-ray examinations should be made.

(iii) The detection of disorders of the personality is often most difficult, and the general fitness of the individual for military service should be considered at the end of the medical investigation. The key to the proper valuation of each individual is the knowledge that military life is rigorous, often monotonous, and makes special demands on the individual. To be effective, a man must have the capacity for sustained duty in the face of separation from home, lack of privacy, extremes of climate, hunger, exhaustion, and the threat of bodily injury, and he should be judged with this in mind. It should be noted that the psychiatric standards established to determine eligibility for the naval service are of a more demanding nature than those required for most other occupations. Experience has shown that the

mentally defective and unstable individuals form weak points in the military organization and often break down under stress, endangering the lives of others as well as the national security. Each examiner should be constantly on the alert throughout his contact with the individual to detect any sign of such disorders.

(2) *Disqualifying defects.* (i) Neurosyphilis of any form (general paresis, tabes dorsalis, meningovascular syphilis)

(ii) Degenerative disorders (multiple sclerosis, encephalomyelitis, cerebellar and Friedreich's ataxia, athetoses, Huntington's chorea, muscular atrophies and dystrophies of any type, cerebral arteriosclerosis)

(iii) Residuals of infection (moderate and severe residuals of poliomyelitis, meningitis and abscesses, paralysis agitans, postencephalitic syndromes, Sydenham's chorea)

(iv) Peripheral nerve disorder (chronic or recurrent neuritis or neuralgia of an intensity which is periodically incapacitating, multiple neuritis, neurofibromatosis)

(v) Residuals of trauma (residuals of concussion or severe cerebral trauma, posttraumatic cerebral syndrome, incapacitating severe injuries to peripheral nerves)

(vi) Paroxysmal convulsive disorders and disturbances of consciousness (grand mal, petit mal, and psychomotor attacks, syncope, narcolepsy, migraine)

(vii) Miscellaneous disorders (tics, spasmodic torticollis, spasms, brain and spinal cord tumors, whether operated upon or not, cerebrovascular disease, congenital malformations, including spina bifida if associated with neurological manifestations and meningocele even if uncomplicated, Meniere's disease, motion sickness)

(viii) Mental deficiency.

(ix) Psychosis.

(x) Psychoneurosis.

(xi) Psychopathic personality.

(xii) Alcoholism and drug addiction.

(xiii) Primary behavior disorders of sufficient degree to indicate predisposition to more serious disorders.

(xiv) History of having been committed to an institution for the care of the insane.

(g) *The eyes*—(1) *Standards.* (i) Each candidate on entrance to the Naval Academy must have normal (20/20) vision in each eye. Candidates must submit to refraction under a cycloplegic for record purposes only. Any student whose vision in either eye during his period of service falls below 18/20 may be subject to rejection. Any student whose vision in either eye during his period of service falls below 15/20 shall be recommended for rejection, except those specifically designated for Staff Corps. In every case where the student's vision has dropped below 8/20, he shall be recommended for rejection. Defective vision due to diseases of the eye grounds shall be a cause for rejection at any time. Both eyes must be free from any disfiguring or incapacitating abnormality and from acute or chronic diseases. For commission upon graduation, a student must read

at least 15/20 (unaided by lenses) in each eye for a commission in the line, or 8/20 (unaided by lenses) in each eye if designated for a Staff Corps. These requirements are considered necessary in order to graduate midshipmen with serviceable vision to successfully carry out their duties at sea in inclement weather, without the aid of glasses or when the wearing of glasses would prove a handicap.

(ii) *Color perception:* It is essential that all candidates for the Naval Academy have normal color perception. The numerals on the plates must be read promptly and the candidate not allowed to trace them. Candidates shall be required to read correctly any 17 of the 20 plates of the revised first edition, AOC Chart Book 1940 (demonstration plates excluded).

(2) *Disqualifying defects.* (i) Trachoma, or xerophthalmia.

(ii) Chronic conjunctivitis.

(iii) Pterygium encroaching upon the cornea.

(iv) Complete or extensive destruction of the eyelids, disfiguring cicatrices, adhesions of the lids to each other or to the eyeball.

(v) Inversion or eversion of the eyelids, or lagophthalmus.

(vi) Trichiasis, ptosis, blepharospasm or chronic blepharitis.

(vii) Epiphora, chronic dacryocystitis, or lachrymal fistula.

(viii) Chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard noted above.

(ix) Irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard.

(x) Opacities of the lens or its capsule sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree.

(xi) Extensive coloboma of the choroid or iris, absence of pigment (albino), glaucoma, iritis, or extensive or progressive choroiditis of any degree.

(xii) Retinitis, detachment of the retina, neuroretinitis, optic neuritis, or atrophy of the optic nerve.

(xiii) Loss or disorganization of either eye, or pronounced exophthalmos.

(xiv) Pronounced nystagmus or well-marked strabismus.

(xv) Diplopia, or night blindness.

(xvi) Abnormal condition of the eye due to disease of the brain.

(xvii) Malignant tumors of lids or eyeballs.

(xviii) Asthenopia accompanying any ocular defect.

(h) *The ears*—(1) *Standards.* Hearing must be normal for each ear by the watch (40/40) and the whispered voice (15/15). Any chronic disease of the external, middle, or internal ear will be sufficient cause for rejection. The voice is a more reliable method of determining the acuteness of hearing than the ticking of an ordinary watch, as it allows for variations in hearing, with the modifications produced by changes in pitch and tone. Hearing in each ear must be normally acute to the spoken and whis-

pered voice. In examining acuteness of hearing with the voice, one ear of the candidate should be closed while the other ear is being examined, and his eyes should be covered to prevent lip reading.

(2) *Disqualifying defects.* (i) The total loss of an external ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ.

(ii) Atresia of the external auditory canal, or tumors of this part.

(iii) Acute or chronic suppurative otitis media, or chronic catarrhal otitis media.

(iv) Mastoiditis, acute or chronic.

(v) Existing perforation of either membrana tympani.

(vi) Deafness or diminished hearing of one or both ears.

(i) *The nose*—(1) *Standards.* A complete examination by reflected light should be made of the anterior and posterior nares, the nasopharynx, and the pharynx, and when necessary the larynx.

(2) *Disqualifying defects.* (i) Loss of the nose, malformation, or deformities thereof that interfere with speech or breathing, or extensive ulcerations.

(ii) Perforated nasal septum.

(iii) Nasal obstruction due to spetal deviation, hypertrophic rhinitis, or other causes, if sufficient to produce mouth breathing.

(iv) Acute or chronic inflammation of the accessory sinuses of the nose, hay fever, or allergic rhinitis.

(v) Chronic atrophic rhinitis, if marked and accompanied by ozena.

(vi) Postnasal adenoids interfering with respiration or associated with middle-ear disease.

(vii) Nasal polyps.

(j) *The throat*—(1) *Standards.* A complete examination by reflected light should be made of the nasopharynx, and the pharynx, and when necessary the larynx. When considered necessary, transillumination and studies by the X-ray should be employed.

(2) *Disqualifying defects.* (i) Malformations or deformities of the pharynx of sufficient degree to interfere with function.

(ii) Postnasal adenoids interfering with respiration or associated with middle-ear disease.

(iii) Marked enlargement of the tonsils or diseased tonsils.

(iv) Hypertrophy of the tonsils sufficient to interfere with respiration or phonation; or diseased tonsils.

(v) Paralysis of the vocal chords, or aphonia.

(k) *The mouth*—(1) *Standards.* Thorough inspection of the mouth should be made by the medical examiner for evidence of local and generalized disease.

(2) *Disqualifying defects.* (i) Harelip, unless adequately repaired, loss of the whole or a large part of either lip, unsightly mutilations of the lips from wounds, burns, or disease.

(ii) Malformation, partial loss, atrophy, or hypertrophy of the tongue, split or bifid tongue, or adhesions of the tongue to the sides of the mouth, provided these conditions interfere with

mastication, speech, or swallowing, or appear to be progressive.

(iii) Malignant tumors of the tongue, or benign tumors that interfere with its functions.

(iv) Marked stomatitis, or ulcerations, or severe leukoplakia.

(v) Ranula if at all extensive, or salivary fistula.

(vi) Perforation or extensive loss of substance or ulceration of the hard or soft palate, extensive adhesions of the soft palate to the pharynx, or paralysis of the soft palate.

(vii) Paralysis of the lips or tongue.

(viii) Ununited fractures of the maxillary bones, deformities of either maxillary bone interfering with mastication or speech, extensive exostosis, caries, necrosis, or osseous cysts.

(ix) Chronic arthritis of the temporomandibular articulation, badly reduced or recurrent dislocations of this joint, or ankylosis, complete or partial.

(1) *Dental*—(1) *Standards*. (i) Every candidate should be examined by a naval dental officer who should make a separate report in each case of his findings and recommendations to the president of the board of medical examiners.

(ii) A candidate for appointment as midshipman must have a minimum of 20 vital serviceable permanent teeth including (a) 4 molars. Of this number, 1 upper and 1 lower molar on the right side, and 1 upper and 1 lower molar on the left side must be in functional occlusion; (b) 4 incisors. Of this number, 2 should be in the maxillae and 2 should be in the mandible in such position as to enable the applicant to incise satisfactorily. The teeth must be free from dental caries, restorations must be of high quality, and the periodontal tissues must be free from disease. A candidate should not be acceptable who has teeth missing in the anterior part of the mouth which have not been replaced and which result in an unsightly space. Any deviation from normal occlusion should be minor, and good functional occlusion as well as absence of interference with speech must be demonstrable. Candidates should not be considered qualified for appointment when orthodontic appliances are attached to teeth for the purpose of continued treatment. Orthodontic retaining appliances such as are used after the completion of treatment are acceptable provided they are not an oral health hazard.

(iii) Teeth should be free from calculus, all restorations of the highest standard, the oral soft tissue in a state of normal health, and the general appearance of the mouth indicative of the practice of strict personal hygiene. All required dental treatment, restorations, and replacements must be obtained prior to entrance to the Naval Academy.

(2) *Explanation of standards*. (1) A vital tooth is a tooth containing a vital dental pulp.

(ii) A serviceable tooth is one which is free from disease, or if carious, can be restored satisfactorily without endangering the pulp; is adequately supported by normal tissue; does not have a faulty restoration or bridge attachment; and is fully effective functionally.

(iii) An opposed tooth is one that

comes into functional contact with one of more teeth of the opposite arch.

(iv) Appointees as midshipmen must have had all carious teeth restored or extracted.

(v) A bicuspid may not be counted as a molar nor may a cuspid be counted as an incisor.

(vi) An abutment tooth (a natural tooth to which a bridge is attached) may be counted as serviceable only when the pulp is vital, the tooth is sound, supported by healthy tissue, is in useful occlusion, and the bridge attachment is well designed and in good condition.

(3) *Disqualifying defects*. (1) *Edentulous spaces* in the dental arch causing wide separation of the continuity of the incising and masticating surfaces shall cause rejection. Prosthetic appliances are not considered as substitutions for natural sound teeth, unless in excess of the 20 vital sound serviceable permanent teeth required. Unrupted teeth will not be included in the 20 vital sound serviceable permanent teeth required. Natural teeth supporting fixed or removable prosthetic appliances (crowns or dentures) will be considered as sound and serviceable only when they are vital, in normal healthy condition and supported by healthy tissue. Extraction is indicated for all carious teeth incapable of receiving treatment and restoration.

(ii) The loss of teeth in excess of the standards noted in above paragraph.

(iii) Marked protrusion or retrusion of the mandible.

(iv) Marked deformity of the maxillae or mandible.

(v) Marked malocclusion.

(vi) Dento-facial deformity.

(vii) Lack of serviceable occlusion.

(viii) Impingement of teeth of one jaw upon gingiva of the opposing jaw.

(ix) Numerous or wide spaces that are edentulous (without natural teeth)

(x) Extensive or numerous unsatisfactory restorations by fillings, inlays, crowns, bridges, or dentures.

(xi) Teeth generally unserviceable because of insufficient size or poor formation.

(xii) Teeth generally involved with caries.

(xiii) Teeth generally unsound or unsightly because of faulty calcification.

(xiv) Pulpless teeth with defective or no pulp canal fillings.

(xv) Apical or extensive pericemental areas of infection.

(xvi) Teeth carious beyond restoration.

(xvii) Large deposits of salivary calculus.

(xviii) Advanced or extensive periodontoclasia.

(xix) Infectious disease of the soft tissues, including Vincent's stomatitis.

(xx) Syphilitic lesions.

(xxi) Malignant tumors.

(xxii) Benign tumors or cysts likely to enlarge.

(m) *The neck*—(1) *Standards*. The neck shall be inspected and palpated for evidence of local dysfunction and evidence of general disease.

(2) *Disqualifying defects*. (i) *Cervical adenitis* of other than benign origin, including cancer, Hodgkin's disease, leukemia, tuberculosis, syphilis, etc.

(ii) Adherent or disfiguring scars from disease, injuries, or burns.

(iii) Extensive or progressive goiter interfering with breathing or with the wearing of clothing.

(iv) Exophthalmic goiter or myxedema.

(v) Thyroid enlargement from any cause associated with toxic symptoms, or which is disfiguring.

(vi) Benign tumors or cysts which are so large as to interfere with the wearing of a uniform or military equipment.

(vii) Torticollis.

(viii) Tracheal openings, thyroglossal or cervical fistulae.

(n) *The chest*—(1) *Standards*. It is essential that the chest be well developed and justly proportioned to the other body measurements. Any marked deviation in form, either a flattening of the chest or a persistence of the round or infantile type, is an element of weakness. Abnormal development, such as pigeon breast, funnel chest, or rachitic chest, is also to be regarded with suspicion, as such conditions usually coincide with a somewhat enfeebled constitution and a predisposition to disease of the lungs. Hence, any anomaly in the shape of the chest must be given careful consideration especially in connection with the results found in the examination of the contained organs and of other parts of the body.

(2) *Disqualifying defects*. (i) *Deficient expansion of the chest*.

(ii) Congenital malformations or acquired deformities which result in reducing the chest capacity and diminishing the respiratory functions to such a degree as to interfere with vigorous physical exertion or to produce disfigurement when the applicant is dressed.

(iii) Pronounced contractions of the chest with adhesions following pleurisy or empyema.

(iv) Deformities of the scapulae sufficient to interfere with the carrying of equipment.

(v) Absence of faulty development of the clavicle.

(vi) Old fracture of the clavicle where there is much deformity or interference with the carrying of equipment, ununited fractures, or partial or complete dislocation of either end of the clavicle.

(vii) Suppurative periostitis or caries or necrosis of the ribs, the sternum, the clavicles, or the scapulae.

(viii) Old fractures of the ribs with faulty union, if interfering with function.

(ix) Unhealed sinuses of the chest wall.

(x) Tumors of the breast or chest wall which interfere with the wearing of a uniform or of equipment.

(xi) Scars of old operations for empyema unless the examiner is assured that the respiratory function is entirely normal.

(o) *The heart and vascular system*—

(1) *Standards*. (i) The heart should be examined by the following methods: inspection, palpation, percussion, auscultation, and, when considered necessary, by mensuration. Blood-pressure readings and palpation of the pulse are required before and 2 minutes after exercise. Electrocardiograms and X-ray

for cardiac mensuration should be made in doubtful cases.

(ii) The candidate should be examined in the upright, recumbent, and left-lateral recumbent positions and after exercise, and in the different phases of respiration. The examiner should ascertain whether the applicant has had any of the following diseases: scarlet fever, diphtheria, chorea, rheumatic fever, tonsillitis, or syphilis.

(2) *Disqualifying defects.* (i) All diastolic murmurs.

(ii) Apical systolic murmurs, when persistent in both the recumbent and upright positions, when moderate in intensity, when transmitted to the axilla, and when not abolished or significantly diminished in intensity by forced breathing.

(iii) Harsh systolic murmurs, heard at both apex and aortic areas, even of less than moderate intensity with diminished or absent second sound.

(iv) Pulmonic systolic murmurs, blowing or rough, low pitched, of more than moderate intensity.

(v) All valvular diseases of the heart, congenital heart disease, or pathological murmurs.

(vi) Hypertrophy or dilatation of the heart.

(vii) History of evidence of pericarditis, endocarditis, myocarditis, angina pectoris, coronary occlusion, or coronary atherosclerosis.

(viii) A heart rate of 100 or over, or of 50 or under, when these are proved to be persistent in the recumbent posture and on observation and reexamination over a sufficient period of time.

(ix) Marked cardiac arrhythmia or irregularity, or an authenticated history of paroxysmal tachycardia, or auricular fibrillation or flutter.

(x) Arteriosclerosis.

(xi) Persistent systolic pressure above 139 or a persistent diastolic pressure above 89 in persons under 25 years of age.

(xii) Aneurysm of any variety in any situation.

(xiii) Intermittent claudication.

(xiv) Raynaud's disease.

(xv) Thrombophlebitis of one or more extremities, if there is a persistence of the thrombus or any evidence of obstruction to circulation in the involved vein or veins.

(xvi) An authenticated history of rheumatic fever or chorea within the past 5 years, or a history of more than one attack of rheumatic fever.

(xvii) Arterial hypotension if it is causing, or has caused, symptoms.

(p) *The lungs.*—(1) *Standards.* (i) The lungs should be examined by inspection, palpation, percussion, and auscultation of the chest. In the inspection and interrogation of applicants, the following points should be searched for: Apparent undue prominence of the clavicle on one side, caused by a deepening of the hollow above and a flattening of the space beneath; a wasting of the muscles of the shoulder girdle on one side, as evidenced by apparent excessive prominence of the shoulder and scapula; or a history of recent loss of weight, especially if associated with long continued cough or with night sweats. Observation, with com-

plete record of temperature, pulse, and respiration, may be of assistance. Medical Examiners should examine with the greatest care applicants who have apparently recovered from pleurisy.

(ii) Each applicant shall be required to exhale his breath, cough and immediately breathe in. The chest should be auscultated during this process. All men who show moist rales during cough or during respiration should be classed as doubtful cases. All cases should also be classed as doubtful in which there is well-marked dullness on percussion, well-marked increased transmission of voice, harsh respiration, and well-marked prolonged expiration, even though there be no rales present.

(2) *Disqualifying defects.* (i) Pneumonoconiosis.

(ii) Acute or chronic pleurisy, or empyema.

(iii) Pneumothorax, hydrothorax, or hemothorax.

(iv) Chronic bronchitis, chronic pneumonia, pulmonary emphysema, asthma, or bronchiectasis.

(v) Actinomycosis, hydatid cysts, or abscess of the lung.

(vi) Tumor of lungs, pleura, or mediastinum.

(vii) Disqualifying defects demonstrable by a roentgen examination of the chest, such as:

(a) Any evidence of reinfection (adult) type tuberculosis, active or inactive, other than slight thickening of the apical pleura or thin solitary fibroid strands.

(b) Evidence of active primary (childhood) type tuberculosis.

(c) Extensive multiple calcification in the lung parenchyma, or massive calcification in the hilus, or any calcification of questionable stability.

(d) Evidence of fibrous or serofibrinous pleuritis, except moderate diaphragmatic adhesions with or without blunting or obliteration of the costophrenic sinus.

NOTE. When recording interpretations, the word "negative" should be used only when the lung fields are without abnormality; defects considered not disqualifying should be fully described and noted as not considered disqualifying.

(q) *The abdomen.*—(1) *Standards.*

(i) The abdomen should be examined by inspection and palpation and, if necessary, by percussion and auscultation. When indicated, X-ray examinations and laboratory test should be made.

(ii) Applicants from regions in which uncinariasis or malaria is prevalent, and who present symptoms of anemia or enlargement of the spleen, should be placed under observation for these diseases (examination of feces and blood). The same provision should apply to the dysenteries, especially the entamebic form.

(2) *Disqualifying defects.* (i) Wounds, injuries, cicatrices, or muscular ruptures of the abdominal walls sufficient to interfere with function.

(ii) Fistulae or sinuses from visceral or other lesions or following operation.

(iii) Hernia of any variety.

(iv) Large tumors of the abdominal walls.

(v) Scar pain, if severe.

(vi) Chronic diseases of the stomach or intestines.

(vii) Gastro-enterostomy, or bowel resection.

(viii) Blood in the feces unless shown to be due to unimportant causes.

(ix) Chronic appendicitis.

(x) Ptosis of the stomach or intestines.

(xi) Chronic diseases of the liver, gall bladder, pancreas, or spleen.

(xii) Chronic peritonitis or peritoneal adhesions.

(xiii) Chronic enlargement of the liver.

(xiv) Chronic enlargement of the spleen if marked.

(xv) Jaundice.

(r) *The perineum and pelvis.*—(1) *Standards.* To inspect the anal region, the examiner should direct the applicant to bend forward from the hips and draw apart the buttocks with both hands. Digital examination of the rectum should be performed and proctoscopy should be used if necessary.

(2) *Disqualifying defects.* (i) Fistula in ano.

(ii) Incontinence of feces.

(iii) Uncinariasis.

(iv) Urinary fistula.

(v) Stricture or prolapse of the rectum.

(vi) Fissure of the anus or pruritis ani.

(vii) Fistula in ano or ischiorectal abscess.

(viii) External hemorrhoids sufficient in size to produce marked symptoms; internal hemorrhoids, if large or accompanied by hemorrhage, or protruding intermittently or constantly.

(ix) Malformation and deformities of the pelvis sufficient to interfere with function.

(x) Disease of the sacro-iliac or lumbosacral joints.

(s) *Genito-urinary system.*—(1) *Standards.* (i) Evidence of venereal disease or malformation should be searched for. The glans penis and corona should be exposed and the penis stripped. Both sides of the scrotum should be palpated, as shall also the inguinal glands. Urinalysis, including tests for albumin, specific gravity, and sugar, and a microscopic examination of the sediment, should be made in the case of all candidates, the urine being voided in the presence of one of the examiners.

(ii) When albumin or casts are found in the urine the applicant should not be accepted unless he can be retained under observation. In this event, daily complete examinations of the urine should be made for at least 3 days, unless the presence of albumin and casts is associated with enlargement of the left heart, high-blood pressure, or other evidence of cardiovascular disturbance to such a degree that a diagnosis of chronic nephritis may be made immediately. When albumin is constantly or intermittently present, the underlying pathological condition should, if possible, be determined and stated as the cause for rejection; but if albuminuria be present daily during a period of 3 days, it should be regarded as reason for rejection, even if the origin cannot be determined.

(iii) When the specific gravity of the specimen first examined is under 1.010,

further observation of the applicant and repeated complete urinary examinations are indicated.

(iv) If glucose is found in the urine, further observation is indicated, including an estimation of the 24-hour amount of urine and the employment of more than one test to demonstrate the possible existence of diabetes. When considered necessary or desirable, blood-sugar determination and blood-sugar tolerance tests should also be made.

(v) A persistently positive serologic reaction shall be cause for rejection.

(2) *Disqualifying defects.* (i) Acute or chronic nephritis, or diabetes mellitus or insipidus, or glycosuria if accompanied by abnormal response to blood-sugar tests.

(ii) Blood, pus, or albumin in the urine, if persistent.

(iii) Floating kidney, hydronephrosis, pyonephrosis, pyelitis, tumor of the kidney, renal calculi, or absence of one kidney.

(iv) Acute or chronic cystitis.

(v) Vesical calculi, tumors of the bladder, incontinence of urine enuresis, or retention of urine.

(vi) Hypertrophy or abscess of the prostate gland, or chronic prostatitis.

(vii) Urethral stricture or urinary fistula.

(viii) Epispadia or hypospadias, except for minor displacements of the urethral orifice with no impairment in function of micturition, and no symptoms of irritation.

(ix) Phimosis when prepuce is adherent in whole or in part to the glans.

(x) Hermaphroditism.

(xi) Amputation of the penis.

(xii) Varicocele, if large and painful, or hydrocele, upon original appointment. If such conditions are corrected by surgery the applicant afterwards may be physically qualified.

(xiii) Pronounced atrophy of both testicles or loss of both.

(xiv) Undescended testicle (acceptable if unilateral, abdominal, and unassociated with hernia) infantile genital organs.

(xv) Chronic orchitis or epididymitis.

(xvi) Syphilis in any stage, or a clearly defined history thereof.

(xvii) Gonococcus infections, acute or chronic (including gonorrheal arthritis) chancroids, or buboes.

(t) *The spine*—(1) *Standards.* The spine should be inspected for deformity or injury, and be tested by standard exercises for evidence of lack of motility or strength, and for pain.

(2) *Disqualifying defects.* (i) Lateral deviation of the spine from the normal midline of such degree that it impairs normal function or is likely to do so.

(ii) Curvature of the spine of such degree that function is interfered with or is particularly likely to be interfered with or in which there is noticeable deformity when the applicant is dressed (scoliosis, kyphosis, or lordosis)

(iii) Fractures or dislocations of the vertebrae.

(iv) Vertebral caries (Pott's disease)

(v) Abscess of the spinal column or its vicinity.

(vi) Osteoarthritis of the spinal column, partial or complete.

(vii) Fracture of the coccyx; spina bifida; spondylolisthesis; cervical rib.

(u) *The extremities*—(1) *General*—(i) *Standards.* The extremities should be carefully examined for deformities, old fractures and dislocations, amputations, partially flexed or ankylosed joints, impaired functions of any degree, varicose veins, and edema.

(ii) *Disqualifying defects.* (a) All anomalies in the number, the form, the proportion, and the movements of the extremities which produce noticeable deformity or interfere with function.

(b) Atrophy of the muscles of any part, if progressive or if sufficient to interfere with function.

(c) Benign tumors if sufficiently large to interfere with function.

(d) Ununited fracture, fractures with shortening or callus formation sufficient to interfere with function, old dislocations unreduced or partially reduced complete or partial ankylosis of a joint, or relaxed articular ligaments permitting of frequent voluntary or involuntary displacement.

(e) Reduced dislocation or united fractures with incomplete restoration of function.

(f) Amputation of any portion of a limb, except certain fingers or toes if there is no interference with military activities, or resection of a joint.

(g) Excessive curvature of a long bone or extensive, deep, or adherent scars interfering with motion.

(h) Severe sprains.

(i) Disease of the bones or joints.

(j) Chronic edema of a limb.

(k) Chronic or obstinate neuralgias, particularly sciatica.

(2) *The upper extremities*—(i) *Standards.* The upper extremities should be inspected for evidence of deformity or disease and tested by exercise for motility, strength, coordination, and pain. Special attention should be given to any evidence of shoulder dislocation, elbow joint injury or wrist injury which may have involved the carpal scaphoid.

(ii) *Disqualifying defects.* (a) Deviation of the normal axis of the forearm to such a degree as to interfere with the proper execution of the manual of arms.

(b) Adherent or united fingers (web fingers)

(c) Permanent flexion or extension of one or more fingers, as well as irremediable loss of motion of these parts.

(d) Total loss of either thumb.

(e) Mutilation of either thumb to such an extent as to produce material loss of flexion or strength of the member.

(f) Loss of more than one phalanx of the right index finger.

(g) Loss of the terminal and middle phalanges of any two fingers on the same hand.

(h) Entire loss of any finger except the little finger of either hand or the ring finger of the hand not used in writing.

(3) *The lower extremities*—(1) *Standards.* The lower extremities should be inspected for evidence of deformity and tested by exercise for motility, strength, coordination, and pain. Special attention should be given to any evidence of hip injury, knee joint derange-

ment, ankle injury and to flat foot or other foot defects.

(ii) *Disqualifying defects.* (a) Chronic synovitis, or floating cartilage, or other internal derangement in a joint (particularly of knee joint with history of disability)

(b) Varicose veins in an extremity when they cover a large area or are markedly tortuous or much dilated, or are associated with edema or hemorrhoids, or are accompanied by subjective symptoms.

(c) Varices of any kind situated in the leg below the knee, if associated with varicose ulcers or scars from old ulcerations.

(d) Perceptible lameness or limping.

(e) Knock-knee, when the gait is clumsy or ungainly, or when subjective symptoms of weakness are present.

(f) Bowlegs if so marked as to produce noticeable deformity when the applicant is dressed.

(g) Clubfoot unless the defect is so slight as to produce no symptoms during vigorous exercise.

(h) Pes cavus if extreme and causing symptoms.

(i) Flat foot when accompanied with symptoms of weak foot or when the foot is weak on test. Pronounced cases of flat foot attended with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, are disqualifying, regardless of the presence or absence of subjective symptoms.

(j) Loss of either great toe or loss of any two toes on the same foot.

(k) Webbing of all the toes.

(m) Overriding or superposition of any of the toes to such a degree as will produce pain when wearing the military shoe.

(v) *Endocrine system*—(1) *Standards.* The candidate should be observed closely and questioned with regard to evidence of endocrine disturbances.

(2) *Disqualifying defects.* (i) Physical immaturity.

(ii) Infantilism.

(iii) Addison's disease.

(iv) Osteitis fibrocystica.

(v) Toxic goitre.

(vi) Myxedema.

(vii) Acromegaly.

(viii) Gigantism.

(ix) Cretinism.

(x) Fröhlich's syndrome.

(xi) Diabetes mellitus.

(xii) Hyperinsulinism.

(xiii) Diabetes insipidus.

(w) *Allergy*—(1) *Standards.* The candidate should be investigated by history and examination relative to the stigmata of allergy.

(2) *Disqualifying defects.* (i) Asthma.

(ii) Hay fever.

(iii) Urticaria.

(iv) Angioneurotic edema.

(v) Bacterial allergy.

(vi) Food allergy.

(vii) Contact allergy.

(viii) Abnormal sensitivity to physical agents (heat, cold, light)

§ 11.5 *Preliminary examination in certain cases.* (a) Medical officers are required to examine physically any candidate for the Naval Academy who may

appear with a letter from a Member of Congress so requesting. Each examination report shall show the name of the Senator or Representative requesting the examination. The candidate should be informed that the examination is only preliminary and that his final fitness for the Naval Academy will be determined by a board of medical examiners after he has passed the mental examination.

(b) Medical examiners should bear in mind that the primary object of this examination is to eliminate those who are obviously disqualified rather than to give assurance to any candidates that they will subsequently pass the official examination. Candidates having surgical defects of remediable nature, should be informed that they will probably be rejected unless these defects are corrected by operation, and that sufficient time should elapse after operation to insure a cure of the condition.

(c) In every border-line case wherein the examiner himself is uncertain as to the outcome, candidates and Members of Congress should be clearly informed that the case is a doubtful one.

(d) A high standard of physical excellence is essential in the cases of all candidates presenting themselves for admission to the Naval Academy, and medical officers should always keep in view the fact that the future physical efficiency of officers of the Navy will depend largely upon the manner in which this important and exacting duty is performed.

§ 11.6 *Results of physical examination; distribution.* The results of the examination should be reported upon NavMed Form Y in quadruplicate, the original to go to the Bureau of Medicine and Surgery; a copy to go to the Congressman; a copy to go to the Bureau of Naval Personnel; and a copy to go to the Superintendent, United States Naval Academy.

§ 11.7 *Physical examinations; where and by whom.* (a) Candidates will be given the regular physical examination at the Naval Academy, Annapolis, Md., only, by a board composed of medical officers of the Navy.

(b) Physical examinations will habitually be held at the following times: For candidates mentally examined in April, or in a previous year, at a date designated by the Superintendent of the Naval Academy; and the Bureau of Naval Personnel will inform each candidate when to present himself for physical examination. The usual time for the physical examination is the second or third week in June of each year. The examinations begin at this time and continue until all candidates are examined.

(See §§ 11.4 to 11.6, inclusive)

(c) Candidates should not report for physical examination and admission to the Naval Academy unless they are convinced by a careful consideration of their personal and their family circumstances that they will be satisfied to remain at the Naval Academy, complete the course, and accept commissions as Ensigns of the line, or such other commissions as may be offered in the United States Navy.

§ 11.8 *Selection of candidates by Members of Congress; by Secretary of*

the Navy. "Hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if said recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy, there occurs or is about to occur at the academy a vacancy for any State, district, or Territory that cannot be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine." (Act approved June 29, 1906, 34 Stat. 578; 34 U. S. C. 1041.)

§ 11.9 *Residence of candidates.* Candidates allowed for States, congressional districts, Territories, and the District of Columbia must be actual residents of such States, congressional districts, Territories, or District of Columbia, respectively, from which they are nominated. (Rev. Stat. sec. 1517 as amended; 34 U. S. C. 1045.)

§ 11.10 *Inquiries relative to appointments and competitive examinations.* (a) The selection of candidates, by competitive examination or otherwise, for nomination from any congressional district, is entirely in the hands of the Member of Congress entitled to make the nomination, and all applications for appointment or inquiries relative to competitive examinations should be addressed to the Congressman representing the congressional district in which the vacancy exists.

(b) As soon as nominated, a copy of these entrance regulations will be forwarded direct to each candidate in order that he may be fully informed regarding the mental and physical qualifications of candidates. A syllabus of the first year's work at the Naval Academy is shown elsewhere in this pamphlet to enable each candidate to spend his time profitably at his local school and thus be better prepared to pursue the course at the Naval Academy after appointment.

(c) The Naval Academy entrance examination, both substantiating and regular, are held commencing the third Wednesday in April of each year. The "U. S. Naval Academy Aptitude Test," which is required of all candidates, is given on the first day of the entrance examinations. (See § 11.62.) However, it is the policy of some Senators and Representatives to have the United States Civil Service Commission hold special competitive examinations at times other than as above, for the purpose of enabling them to select their nominees. These special competitive examinations have no bearing upon the candidate's mental qualifications for admission as midshipmen, as the Naval Academy requirements must also be met. All of the details concerning the special competitive examinations are handled by the Senator or Representative concerned and the United States Civil Service Commission in Washington, and correspondence relative thereto, should be addressed accordingly.

NOMINATIONS AND APPOINTMENTS

§ 11.11 *Physical requirements.* Special attention is called to the physical requirements of candidates, §§ 11.4 to 11.6 inclusive.

§ 11.12 *Nomenclature.* The students of the Naval Academy are called midshipmen.

§ 11.13 *Allowance of nominations.* The Vice President and each Senator, Representative and Delegate in Congress are allowed a maximum of 5 midshipmen at the Naval Academy at any one time. A maximum of 5 midshipmen is allowed for the District of Columbia and each year 75 may be appointed from the United States at large. The appointments from the District of Columbia and 75 each year at large are made by the President. The appointments of midshipmen at large are given by the President to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, and Marine Corps, for the reason that officers and enlisted personnel, owing to the nature of their duties, are unable to establish permanent residence and thus be in a position to secure nominations for their sons from their Senators and Representatives. Stepsons are not eligible for these appointments. Adopted sons must have been adopted prior to having reached the age of 15 years in order to be eligible. All these candidates are required to take either the substantiating examination or the regular mental examination in competition with each other, the 75 passing highest in the examination receiving the appointments. (See § 11.24.) Applications should be addressed to the Bureau of Naval Personnel, and should give the full name, date of birth, home address, or present address of the candidate, the full name and rank or rating of his parent, and in case of an adopted son evidence should be submitted as to date of adoption. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (a) enlisted men of the United States Navy and Marine Corps, (b) enlisted men of the Naval Reserve or

Marine Corps Reserve, or (c) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates from any other of such sources who were found best qualified on examination for admission into the Academy and not otherwise appointed. The vacancies from the District of Columbia are filled by competitive examination of candidates residing in the District. The selection of candidates, by competitive examination or otherwise, for nomination for vacancies in the quota of Senators, Representatives, and Delegates in Congress is entirely in the hands of each Senator, Representative, and Delegate in Congress having a vacancy and all applications for appointments or inquiries relative to competitive examinations should be addressed accordingly.

§ 11.14 *Additional appointments—(a) Appointments by competitive examination from the Regular Navy and Marine Corps.* (i) The law authorizes the appointment of 160 enlisted men each year, to be selected as a result of a competitive examination given enlisted men of the regular Navy and Marine Corps who are not more than 21 years of age on April 1 of the year it is desired to enter and who have been in the service as enlisted men in the Navy or Marine Corps at least 1 year by July 1 of that year. An act of Congress, approved December 11, 1945 (59 Stat. 606; 34 U. S. C., Sup., 1045) raises to 23 years the upper age limit for candidates for admission to the Naval Academy who have served honorably not less than 1 year in the armed forces of the United States during any of the present wars, the candidate's age to be calculated in exactly the same manner as in the basic age law. The mental and physical requirements for these candidates are the same as for other candidates for midshipmen. Briefly, the service requirements are: That the applicant must have had at least 1 year of service by July 1 of the year of admission to the Academy. The competitive examinations will commence the third Wednesday in April of each year and will consist of either the substantiating examination or the regular entrance examination, eligibility for the substantiating examination being contingent upon the candidate's presenting an acceptable secondary school certificate (see § 11.24). Enlisted men who fulfill the requirements as to age and length of service should apply to their commanding officers in July for assignment to the United States Naval School, Academy and College Preparatory convening in October. Only men assigned to this school are eligible to compete for appointment to the Naval Academy by the Secretary of the Navy. It is not necessary to be recommended by anyone else. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (i) enlisted men of the United States Navy and Marine Corps, (ii) enlisted men of the Naval Reserve or Marine Corps Reserve, or (iii) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates from any other of such sources who

were found best qualified on examination for admission into the Academy and not otherwise appointed. Enlisted men failing in the examinations for midshipman will be required to serve out their terms of enlistment.

(2) For further information in regard to enlisting in the Navy, candidates should apply to the nearest Navy Recruiting Station.

(b) *Appointments from the enlisted men of the Naval Reserve and the Marine Corps Reserve.* (1) The law authorizes the Secretary of the Navy to appoint each year not more than 160 midshipmen, to be selected as a result of competitive examination of enlisted men of the Naval Reserve and the Marine Corps Reserve, hereinafter referred to as the Reserve. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (i) enlisted men of the United States Navy and Marine Corps, (ii) enlisted men of the Naval Reserve or Marine Corps Reserve, or (iii) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates from any other of such sources who were found best qualified on examination for admission into the Academy and not otherwise appointed.

(2) Candidates must be citizens of the United States. Nonveterans or veterans with less than 1 year honorable service in the present wars must be not more than 21 years of age on April 1 of the year in which admitted. For the candidates who are veterans with a minimum of 1 year honorable service in the present wars, the age limit is raised to 23 years. Candidates must have been in the Reserve at least 1 year by July 1 of the year in which admitted; must have a good record; must be recommended by their commanding officer by favorable endorsement to a request submitted prior to October 1 for authorization to take the competitive examination, which will commence the third Wednesday in April of the following year, no other recommendations being necessary must meet the same mental and physical requirements as other candidates for appointment as midshipmen.

(3) Men in Reserve classes NROTC, NACP and aviation cadet program, are not eligible to enter from the enlisted quotas.

(4) For further information regarding details of enlistment and service thereafter, candidate should apply to the nearest Navy Recruiting Station.

(c) *Appointments from among the sons of deceased officers, soldiers, sailors, and marines of the World War* (1) An act of Congress, approved 24 November 1945 (59 Stat. 586; 34 U. S. C., Sup., 1036a) authorizes that the number of midshipmen now authorized by law at the United States Naval Academy be increased by 40 from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action or have

died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents) *Provided*, That the determination of the Veterans' Administration as to service connection of the cause of death shall be binding upon the Secretary of the Navy; *Provided, further* That all such appointees are otherwise qualified for admission; *And provided further* That appointees under this act shall be selected in order of merit as established by competitive examination.

(2) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D. C. Full name and date of birth of applicant should be given; also full name, rank, and date of death of his parent.

(d) *Appointments from Puerto Rico.* One midshipman is allowed from Puerto Rico, who must be a native of that island. The appointment is made by the President, on the recommendation of the Governor of Puerto Rico. At present, five midshipmen are also allowed from Puerto Rico, appointed on the nomination of the Resident Commissioner.

(e) *Appointments from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department, or by the Navy Department, and the members of the Naval Reserve Officers' Training Corps.* (1) An act of Congress approved June 6, 1941 (55 Stat. 246; 34 U. S. C., Sup. 1033a), authorizes the Secretary of the Navy to appoint not more than 20 midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among members of the Naval Reserve Officers' Training Corps.

(2) The 20 appointments authorized in the above law will be made as a result of competitive examinations to commence the third Wednesday in April of each year. These examinations will be open to candidates selected in accordance with subparagraph (3) of this paragraph. The Secretary of the Navy has approved the establishing of separate competing groups effective with the class entering the Naval Academy in 1944, with a maximum of 10 appointments being allowed from the honor military school nominees and 10 from the Naval Reserve Officers' Training Corps nominees except that in the event less than 10 qualify for appointment from either group the quota of that group may be filled by appointment of excess qualified nominees from the other group. The examinations will consist of either the substantiating examination or the regular entrance examination, eligibility for the substantiating examination be-

ing contingent upon the candidate's presenting an acceptable secondary school certificate. (See § 11.24.)

(3) The candidates for the competitive examinations outlined in subparagraph (2) of this paragraph will be selected in accordance with the following:

(i) The Navy Department will obtain a list of "honor schools" from the War Department each year, and three honor graduates as defined by the Army Regulations may be designated each year by the head of each such school; similar action will be taken in the case of the three honor graduates designated by the head of each "honor school" selected by the Navy Department. The candidates from these "honor schools" whose standing indicates that they will be honor graduates of said schools in June of the year in which the examination will be held will also be eligible to be nominated as one of the three candidates from such schools to compete in the examination, but will not be considered for appointment in case they do not fulfill the requirements which would entitle them to be honor graduates at the time of their graduation.

(ii) Three candidates may be nominated each year by the president of each of the educational institutions in which a Naval Reserve Officers' Training Corps unit is established. Each such candidate must be a regularly enrolled contract student in the Naval Reserve Officers' Training Corps and must have completed a minimum of 1 year's scholastic work in that corps at the time of entrance to the Naval Academy.

(iii) All students nominated as candidates in accordance with subdivisions (i) and (ii) of this subparagraph must meet the requirements as to age, moral qualifications, etc., as set forth in the "Regulations Governing the Admission of Candidates Into the United States Naval Academy as Midshipmen and Sample Examination Questions."

(iv) The examinations outlined in subparagraph (2) of this paragraph are the only mental examinations required for entrance into the United States Naval Academy, and examination papers will be marked on a competitive basis. The 10 candidates in each group passing this mental examination with the highest rating will, if physically qualified, be appointed in order of their standing on the list. In case of failure of any of these candidates to pass physically, the candidates passing the examination with a standing below that of the first 10 on each competitive list will be called for physical examination in the order of their mental standing to fill the vacancies caused by physical failure or rejection for any other reason of candidates who have qualified mentally above them on the list.

(f) *Appointments from American Republics.* An act of Congress approved July 14, 1941 (55 Stat. 589; 34 U. S. C., Sup., 1036-1) provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) to receive instruction at the United States

Naval Academy at Annapolis, Md. Not more than three persons from any such Republics shall receive instruction under authority of this act at the same time. The persons receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy.

The following regulations are established:

(1) United States Naval Academy, Annapolis, Md., 4-year basic course in preparation for the naval profession. Begins in June. Each candidate must:

(i) Be an unmarried, bona fide male citizen of the country transmitting the request, be not less than 17 years of age nor more than 21 years of age on April 1 of the calendar year in which he enters the Naval Academy.

(ii) Possess physical qualifications as specified in the "Regulations Governing the Admission of Candidates Into the United States Naval Academy as Midshipmen and Sample Examination Questions." All candidates must undergo a physical examination before the permanent medical examining board at the United States Naval Academy.

(iii) Be proficient in reading, writing, and speaking idiomatic English and meet the same mental entrance requirements as are required of citizens of the United States except that a candidate will not be examined in English and American literature and United States history. In lieu thereof the candidate will be required to submit a certificate from his government that he is conversant with the literature and history of his native country. Candidates from other American Republics will be given an examination in English similar to that required of all other candidates, except that no questions will be asked on English and American literature. The requirements for citizens of the United States are contained in the "Regulations Governing the Admission of Candidates Into the United States Naval Academy as Midshipmen and Sample Examination Questions." Candidates may qualify for admission under any of the three following methods:

(a) Certificates from accredited secondary schools and colleges of the United States of America.

(b) Certificates from accredited secondary schools of the United States of America and on substantiating examination.

(c) Regular entrance examination.

(2) Regular or substantiating examinations for entrance into the United States Naval Academy may be taken either in the United States or in the candidates' respective native countries. In

the latter case, the mental examination will be taken under the supervision of the naval attache or, in the event no naval attache is accredited to the country, a diplomatic representative of the United States, and he shall furnish a report as to the candidate's proficiency in the use of idiomatic English.

(3) The candidate shall submit a certificate from his government that he has:

(i) In literature, completed a course in the literature of his native country equivalent in general to 2 years of secondary school work in literature in the United States.

(ii) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools, of the United States.

(4) Candidates may, in lieu of the above certification, produce evidence of having acquired the units for literature and United States history from accredited schools of the United States.

(5) Each government concerned should submit the name of the candidate as early as possible in order that he may qualify for entrance during the month of April and enter the Naval Academy early in the month of June except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 15 in order to permit completion of required certificates. Candidates will not be accepted for entrance later than June 30. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(6) In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, _____, a citizen of _____, aged _____ years _____ months, having been appointed a midshipman at the United States Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(7) Notification shall be made to each foreign government concerned that students found by proper authority to be unsatisfactory in conduct, studies, or health would be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

(g) *Appointments from Canal Zone.* An act of Congress approved June 8, 1939 (53 Stat. 814, 34 U. S. C. 1035a) provides that there shall be at the United States Naval Academy one midshipman to be selected from among the sons of civilians residing in the Canal Zone and the sons of civilian employees of the United States Government and the Panama Railroad Co. residing in the Republic

of Panama, whose appointment shall be made by the Secretary of the Navy on the recommendation of the Governor of the Panama Canal.

(h) *Appointments from among the sons of persons who have been or shall hereafter be awarded the Congressional Medal of Honor* (1) An act of Congress approved 24 November 1945 (59 Stat. 586; 34 U. S. C., Sup. 1038) provides that the number of midshipmen authorized by law enacted prior to the enactment of this act at the United States Naval Academy, be increased by such number as may be appointed by the President from the United States at large from among the sons of persons who have been or shall hereafter be awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States: *Provided*, That all such appointees are otherwise qualified for admission.

(2) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D. C. Full name and date of birth of applicant should be given; also full name and rank of person awarded medal.

(i) *Appointments from Philippine Islands*. Four Filipinos, one for each class, to be designated by the President of the Republic of the Philippine Islands, are allowed to receive instruction at the Naval Academy but these midshipmen will not, however, be entitled to appointment to any commissioned office in the United States Navy by reason of their graduation from the Naval Academy.

COURSE OF INSTRUCTION AND DISPOSITION OF MIDSHIPMEN AFTER GRADUATION

§ 11.15 *Course of instruction*. The course for midshipmen is of 4 years' duration. Instruction, drill, and exercises are designed solely to prepare them for the duties of a junior line officer of the Navy. High and exacting academic standards prevail. Only candidates who are equipped to assimilate rapidly, who possess retentive memories, and are capable of intense application may reasonably expect to complete the course.

§ 11.16 *Disposition after graduation*. Graduates of the Naval Academy who at graduation meet all requirements are commissioned as ensigns in the Navy and from each graduating class a limited number may be commissioned as second lieutenants in the Marine Corps. Their commissions may be revoked by the Secretary of the Navy at any time during the first 6 years following graduation from the Naval Academy. On successful completion of the probationary period, officers are permanently commissioned. Officers whose commissions are revoked shall be discharged from the service, without advance pay or allowances.

AGE, MORAL, AND CITIZENSHIP REQUIREMENTS; MARRIAGE

§ 11.17 *Age limits; citizenship*. (a) All candidates are required to be citizens of the United States and must be not less than 17 years of age nor more than 21 years of age on April 1 of the

calendar year in which they enter the Naval Academy. (54 Stat. 959; 34 U. S. C. 1045.)

(b) If the candidate has not reached his seventeenth birthday on or before April 1, or if he will have reached his twenty-first birthday on or before April 1 of the calendar year in which he expects to enter the Naval Academy, he will be ineligible for admission.

(c) A recent act of Congress, approved December 11, 1945 (59 Stat. 606; 34 U. S. C., Sup., 1045) raises to 23 years the upper age limit for candidates for admission to the Naval Academy who have served honorably not less than 1 year in the armed forces of the United States during any of the present wars, the candidate's age to be calculated in exactly the same manner as in the basic age law.

§ 11.18 *Moral character*. Candidates must be of good moral character. No candidate who has been dismissed in accordance with the act of Congress of April 9, 1906 (34 Stat. 104; 34 U. S. C. 1062) or who is permitted to resign in lieu of dismissal, shall be reappointed or allowed to reenter the Naval Academy.

§ 11.19 *Marital status*. No person who is married, or who has been married, shall be admitted as a midshipman to the Naval Academy. Midshipmen shall not marry, and any midshipman found to have been married shall be recommended for discharge.

METHODS OF ADMISSION

§ 11.20 *When candidates may be mentally examined*. "All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class unless recommended by the board of examiners." (Rev. Stat., sec. 1515; 34 U. S. C. 1043) (This refers to mental examinations.)

§ 11.21 *When alternates may be mentally examined*. When any candidate who has been nominated by a Senator, Member, or Delegate of the House of Representatives, is found upon examination to be physically or mentally disqualified for admission, the Senator, Member, or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of the preceding section.

§ 11.22 *Time and place of examination*. (a) Mental examinations for admission to the Naval Academy will be held only in April of each year. The examinations will begin on the third Wednesday in that month. The substantiating examination will be completed in 2 days whereas the regular entrance examination will require 2½ days. A "U. S. Naval Academy Aptitude Test," which requires no special preparation, will be included with each type examination. (See § 11.28.) Those candidates who intend to qualify for admission by the college certificate method will be required to take the "U. S. Naval Academy Aptitude Test" on the third

Wednesday in April. (College certificate candidates who do not receive nominations in time to take the aptitude test on the third Wednesday in April will be given the test after their arrival at the Naval Academy.) The examinations will be under the supervision of the United States Civil Service Commission, at points named in the accompanying list. All those qualifying mentally, who are entitled to appointment in order of nomination, will be notified by the Bureau of Naval Personnel when to report to the Academy for physical examination, and if physically qualified will be appointed.

(b) Candidates may be examined at any of the places named in the accompanying list. If a candidate has been authorized to report for mental examination at any one of the points given below, the place may be changed to any other point on the list at the request of the candidate.

Alabama: Anniston, Birmingham, Decatur, Demopolis, Dothan, Eufaula, Florence, Gadsden, Huntsville, Marion, Mobile, Montgomery, Opelika, Selma, Tuscaloosa and Tuskegee Institute.

Alaska: Anchorage, Cordova, Fairbanks, Juneau, Ketchikan, Nome, Seward and Sitka.

Arizona: Douglas, Flagstaff, Globe, Holbrook, Kingman, Nogales, Phoenix, Prescott, Safford, Tucson and Yuma.

Arkansas: Camden, Fayetteville, Fort Smith, Harrison, Helena, Hot Springs, Jonesboro, Little Rock, Monticello, Newport, Pine Bluff, Russellville and Texarkana.

California: Alturas, Bakersfield, Bishop, Chico, El Centro, Eureka, Fresno, Indio, King City, Long Beach, Los Angeles, Merced, Oakland, Pasadena, Pomona, Red Bluff, Riverside, Sacramento, San Diego, San Francisco, San Jose, San Luis Obispo, Santa Ana, Santa Barbara, Santa Cruz, Santa Monica, Santa Rosa, Stockton, Vallejo, and Willits.

Canal Zone: Balboa Heights.

Colorado: Boulder, Canon City, Colorado Springs, Denver, Durango, Fort Collins, Fort Morgan, Glenwood Springs, Grand Junction, Greeley, La Junta, Leadville, Monte Vista, Montrose, Pueblo, Sterling, and Trinidad.

Connecticut: Bridgeport, Danbury, Hartford, Middletown, New Haven, New London, Waterbury, and Willimantic.

Delaware: Dover and Wilmington.

District of Columbia: Washington.

Florida: Daytona Beach, Fort Myers, Gainesville, Jacksonville, Key West, Lake City, Lakeland, Miami, Ocala, Orlando, Pensacola, St. Petersburg, Tallahassee, Tampa, and West Palm Beach.

Georgia: Albany, Americus, Athens, Atlanta, Augusta, Brunswick, Columbus, Dublin, Fitzgerald, Gainesville, Macon, Rome, Savannah, Thomasville, Valdosta, and Waycross.

Hawaii: Hilo and Honolulu.

Idaho: Boise, Coeur d'Alene, Grangeville, Idaho Falls, Lewiston, Moscow, Pocatello, Sandpoint, St. Anthony, Twin Falls, and Welser.

Illinois: Alton, Aurora, Belleville, Bloomington, Cairo, Carbondale, Centralia, Chicago, Danville, Decatur, East St. Louis, Elmhurst, Freeport, Galena, Galesburg, Harrisburg, Jacksonville, Joliet, Kankakee, Mount Carmel, Peoria, Quincy, Rockford, Rock Island, Savanna, Springfield, Staunton, Streator, Urbana, and Waukegan.

Indiana: Angola, Bloomington, Evansville, Fort Wayne, Hammond, Indianapolis, Jeffersonville, La Fayette, Marion, Muncie, Richmond, South Bend, Terre Haute, Valparaiso, and Vincennes.

on which he failed have been reviewed at some duly accredited school subsequent to such failure. Such review work must be done in regular school course and the marks assigned must meet the requirements of the academic board." Postgraduate work in secondary school or college work in advanced related branches of the failed subject or subjects may be offered in lieu of review work.

(b) (The academic board has established 60 clock hours of classroom work as its minimum for a half year's work in secondary school and 120 clock hours as its minimum for a full year's work. In regard to college work, the board requires approximately 50 clock hours, or 3 semester hours of credit, for a half year's work and 100 clock hours, or 6 semester hours, for a full year's work) (See § 11.44 for definition of a unit of credit for secondary schools.)

§ 11.26 *Number of alternates.* The number of alternates that may be nominated for any one vacancy for midshipman shall be restricted to three. Alternates are given the privilege of reporting for mental examination at the same time with the principal. In lieu of a principal and three alternates, four candidates may be nominated to take the regular entrance examination on a competitive basis, the one passing highest to receive the principal appointment. Regardless of method of qualifying mentally the number of candidates designated for any one vacancy must be limited to four.

§ 11.27 *Time of examinations under college certificate method.* All entrance examinations, including the "U. S. Naval Academy Aptitude Test" for candidates attempting to qualify by the College Certificate Method, will be held on the third Wednesday in April. (Candidates accepted for admission to the Naval Academy under the college certificate method whose appointments were made too late to take the "U. S. Naval Academy Aptitude Test" in April will take it after admission to the Naval Academy.) The large number of midshipmen to be instructed and drilled during the summer months makes this rule necessary, and it is to the great advantage of the new midshipmen themselves. The summer months are utilized in preliminary instruction in professional branches and drills, such as handling boats under oars and sail, and in seamanship, gunnery, and infantry drills. These practical exercises form excellent groundwork for the academic course.

§ 11.28 *Preparation of Examination Papers.* The examination questions used in all examinations are prepared by the College Entrance Examination Board under the direction of the Naval Academy and the result for each candidate is finally passed upon by the academic board. No candidate shall be admitted unless, in the opinion of the academic board, he shows the requisite mental qualifications. To aid the academic board in evaluating the candidate's demonstration of these requisite mental qualifications a "U. S. Naval Academy Aptitude Test" will be given to each candidate participating in the entrance examinations. There is no passing or

failing score for the "U. S. Naval Academy Aptitude Test" and no one will be disqualified because of this test score alone.

§ 11.29 *Limitation upon reexamination.* A candidate who fails on either the substantiating examination or the regular entrance examination and who is renominated for admission in a subsequent year must take the full regular entrance examination unless all requirements for the reestablishment of certificate credits are fulfilled. (See § 11.25.)

§ 11.30 *Renomination.* Candidates who have successfully passed the regular entrance examination or who have qualified for admission by either of the certificate methods of qualifying mentally will not be required again to qualify mentally in the event of renomination. The only exceptions to this rule are as stated in § 11.31 and in cases in which candidates are required to compete for appointments.

§ 11.31 *Requirements for second examination.* Former midshipmen, who were scholastically deficient at the time they severed connections with the Naval Academy, will be scholastically eligible for readmission only upon passing the scheduled regular entrance examination in all subjects listed in § 11.49 in the year for which nominated for readmission. Thus, a former midshipman who is not nominated in time to participate in the April regular entrance examination will be unable to qualify for readmission in that year.

§ 11.32 *Correspondence relative to examinations.* The Civil Service Commission merely conducts the examination of candidates whose names have been furnished by the Navy Department. All correspondence relative to the nomination and examination of candidates should be addressed to the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 11.33 *Time of entrance.* Candidates will be required to enter the academy immediately after passing the prescribed mental and physical examinations, or at such times as the Secretary of the Navy may designate.

§ 11.34 *No annual leave granted first year students.* Annual leave of absence during the summer will not be granted to midshipmen of the fourth class (first year students)

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE ONLY

§ 11.35 *When admission is based on certificate only.* The academic board will consider and may admit without mental examination (except for the "U. S. Naval Academy Aptitude Test," see § 11.24) a candidate who presents a properly attested certificate (Form I) that he is or has been a regularly enrolled student in good standing without condition in a university, college, or technical school accredited by the United States Naval Academy, provided that:

(a) He submits also a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has

shown proficiency in $8\frac{1}{2}$ units of certain required subjects and in at least $6\frac{1}{2}$ units of optional subjects. These subjects are listed in § 11.50. If some of the necessary 15 units (mentioned above) are lacking from the candidate's secondary school record, the deficiency may be made up by showing completion of acceptable college work in the lacking subject or subjects. College credits used for the purpose of making up deficiencies in the secondary school certificate must, however, be in excess of the minimum requirements for an acceptable college certificate.

(b) At the time of entry into the Naval Academy he will have satisfactorily completed a year's work in the university, college, or technical school, with a minimum of 24 semester hours in English, natural science, social science, or languages, at least 6 of which shall be in college English and/or history, and 6 in college mathematics.

(c) He has taken the "U. S. Naval Academy Aptitude Test" as required in § 11.28. (College certificate candidates who do not receive nominations in time to take the aptitude test on the third Wednesday in April will be given the test after their arrival at the Naval Academy)

(d) (1) If Form I shows low or barely passing grades, the candidate may be required to take the substantiating examination described in §§ 11.56 to 11.59, inclusive.

(2) In the event that Form II is also unacceptable, the candidate will be required to take the regular examination described in §§ 11.56 to 11.61, inclusive.

§ 11.36 *Evaluation of courses.* It is the policy of the Naval Academy to evaluate the courses offered in the college certificate in terms of semester hours. A semester hour of credit implies that, in addition to outside preparation, the subject has required one classroom recitation of approximately 1 hour in length each week for a semester of not less than 16 weeks; or one double-length laboratory or practical work period for the same length of time. In general, where this definition is approximated, it is the policy to abide by the credit values indicated by the certifying institutions.

§ 11.37 *Length of college attendance.* The length of college attendance prescribed in § 11.35 (b) is defined as requiring actual full-time attendance for one regular school year during which the candidate pursues courses constituting a normal year load. Deficiencies not in excess of nine semester hours of credit may be made up as the result of regular class work in extension classes of fully accredited colleges and universities provided such work is in excess of the normal year of college work. Extension classes are defined as classes which meet beyond regular day school hours. Under no circumstances will credit be allowed for correspondence or tutoring work or for a subject for which credit has been established as the result of an examination alone.

§ 11.38 *Certificate method not to affect other requirements.* The college certificate method of qualifying for admission to the Naval Academy does not

in any way affect existing requirements as to age and appointment and, in fact, is merely a modification of the certificate-substantiating examination method to the extent that the requirement of the substantiating examination in mathematics and English may be waived where the requirements as to the secondary school and college certificates are met in every particular.

§ 11.39 *Accredited colleges, universities, and technical schools.* The Naval Academy does not maintain a restricted list of accredited colleges, universities, and technical schools. It accredits, for certification purposes, any of the standard colleges, universities, technical schools of collegiate rank and 2-year junior colleges that are fully and unqualifiedly accredited by the various State boards of education which prescribe collegiate standards in their respective States, or by any of the recognized accredited agencies such as the Association of American Universities, the New England Association of Colleges and Secondary Schools, the Association of Colleges and Secondary Schools of the Middle Atlantic States and Maryland, the Association of Colleges and Secondary Schools of the Southern States, the North Central Association of Colleges and Secondary Schools, and the Northwest Association of Secondary and Higher Schools. In case of doubt as to the accredited status of the institution under consideration, specific inquiry should be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., giving the name of the institution.

§ 11.40 *Requirements for admission by qualifying certificates.* (a) A candidate who contemplates qualifying by certificate only but who has not completed the required year of college work at the time of receipt of nomination for appointment should submit his high school record on the prescribed form and should have a preliminary college certificate submitted showing the courses contemplated or in progress and the amount of credit in semester hours to be assigned for each course. For instance, a college certificate submitted at the end of the first semester should show the first semester grade for each course and should indicate the courses to be pursued during the second semester and the amount of credit to be assigned eventually for each. A certificate submitted prior to the receipt of any grades should indicate the courses to be pursued during the first and second semesters of the current year and the credit value of each course.

(b) The fact that a candidate will not complete the required year of college work until June of the year for which nominated will not preclude his admission that summer provided the final certificate for the year is acceptable in all respects. Further, it is not required that the college certificate be formally accepted by the academic board before the examination date which is as stated in § 11.22. However, it is the candidate's responsibility to decide whether he should take either of the mental en-

trance examinations and for that reason early submission of the necessary certificates is especially desirable as it permits the Naval Academy to review the case informally and render an opinion as to the outlook for acceptance thus aiding the candidate to make the decision with respect to the entrance examinations. Failure in one or more of the subjects given in the regular or substantiating examination automatically rejects the certificates for admission in that year.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE AND SUBSTANTIATING EXAMINATION

§ 11.41 *When admission is based on certificate and substantiating examination.* The academic board will consider and may admit a candidate provided that:

(a) He submits a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has shown proficiency in $8\frac{1}{2}$ units of certain required subjects and in at least $6\frac{1}{2}$ units of optional subjects. These subjects are listed in § 11.50. However, if some of the necessary 15 units (mentioned above) are lacking from the candidate's secondary school record, the deficiency may be made up by transferring credits assigned for acceptable college work in the lacking subject or subjects to the secondary school record.

(b) The above-mentioned certificate is accepted by the academic board as evidence that the candidate can pursue successfully the course at the Naval Academy.

(c) This evidence is further substantiated by the candidate's passing the entrance examinations in algebra, plane geometry and plane trigonometry, and English. The examination in these three subjects is known as the substantiating examination. The "U. S. Naval Academy Aptitude Test" (described in § 11.28) will also be included with the substantiating examination. The scope of the subjects covered in the substantiating examination is given in §§ 11.56 to 11.59, inclusive.

(d) Candidates whose certificates are rejected because of low grades or who for reasons mentioned below cannot qualify for admission to the Naval Academy by passing the substantiating examination have the right to demonstrate their qualifications by passing the regular entrance examination described in §§ 11.56 to 11.61, inclusive.

§ 11.42 *Rejection of certificate.* (a) If the certificate (Form II) submitted shows evidence of low grades, or of grades below the standards of acceptance set by higher institutions to which the certifying school is accredited, the certificate will be rejected.

(b) A certificate showing graduation at an irregular date will be rejected; that is, at a date other than the regular date set for the graduation of the class of which the applicant is a member.

(c) When the credits submitted have been obtained in more than one secondary school, it is advisable to have the credits and marks obtained at the pre-

vious school reported to the later school for incorporation in the final certificate. If this is impracticable, the candidate will be permitted to forward certificates from each institution to be judged together.

§ 11.43 *Secondary school to stand as sponsor when certifying a candidate.* The secondary school certifying a candidate stands sponsor for his success (see p. 4 of certificate Form II for penalty system) and it is expected that the responsible school authority will recommend only those candidates who, in his or her opinion, have the scholastic background needed to pursue successfully a difficult college course in which the emphasis is placed principally on engineering subjects; and who have those qualities of character necessary for success in an institution where training for effective leadership is of paramount importance.

§ 11.44 *Definition of unit.* In order to facilitate the comparison of credits submitted by various institutions in fulfillment of admission requirements with one another, the academic board has given its approval to the following statement formulated by the National Conference Committee on Standards of Colleges and Secondary Schools descriptive of a unit of admission requirements:

A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work.

This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high-school course as a basis and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than one hundred and twenty 60-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit. Not more than $1\frac{1}{2}$ units of credit can be allowed for work done in fully accredited night high schools or in fully accredited schools of comparable character where the classes meet other than in regular day school hours. No credit will be allowed in a certificate, or as evidence of review to offset low grades or a failure on our entrance examinations, for work done in correspondence courses, under a tutor, or in nonaccredited schools.

§ 11.45 *Necessary requirements for acceptance of a certificate.* The acceptance or rejection of a certificate will depend on the evidence it shows as to the thorough completion of the work submitted. The records made in the Academy by midshipmen admitted by certificate will influence the academic board in its future consideration of certificates submitted by the schools or colleges from which these midshipmen come. Final decision as to the acceptance or rejection

tion of any certificate rests with the academic board. A certificate will not be formally considered unless submitted on one of the above-noted forms, except that official college transcript forms may be used for record of academic work when attached to our Form I certificate. All work essential to the acceptance of the certificate or certificates must have been completed by the end of the regular school year in order to establish eligibility for admission to the Naval Academy in that year. Summer school work will not be accepted for entry in the year in which it is completed. High school and college certificates should be submitted to the Superintendent of the Naval Academy as early as practicable, and not later than July 1 for the class entering that year (see § 11.46). As soon as nominated each candidate will receive copies of the certificate forms from the Bureau of Naval Personnel. For additional forms, address the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 11.46 *Submission of certificate in advance of graduation.* A candidate may submit a certificate in advance of his graduation, upon receipt of which an informal opinion as to its probable eventual acceptance or rejection will be rendered. A certificate submitted prior to graduation which is acceptable except for graduation will be accepted conditional upon the fulfillment of this requirement.

§ 11.47 *Decision as to which examination candidate will take.* (a) These informal reviews and conditional acceptances permit candidates to decide with reasonable definiteness whether to take the substantiating examination or to take the regular examination, both types of examination being given at the same time. The decision as to which examination the candidate will take rests with the candidate himself. As this decision should be based upon the action taken on his certificate, he should submit the certificate to the Naval Academy as far in advance of the examination date as is possible.

(b) A certificate submitted for a candidate who has additional subjects in course for which final marks have not been assigned should indicate clearly the subjects that are still being pursued together with an average of the marks assigned in each subject in course at the time of the submission of the certificate.

§ 11.48 *Admission by certificate methods considered a privilege.* Admission by either of the certificate methods is a privilege which the academic board may accord to those whom it considers, on the basis of school records presented, to be worthy of the exemptions allowed and to be capable of pursuing successfully the Naval Academy course.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON REGULAR EXAMINATION

§ 11.49 *When admission is based on regular examination.* A candidate who cannot qualify under either of the methods described in §§ 11.35 to 11.40 and §§ 11.41 to 11.48, that is, who cannot sub-

mit an acceptable certificate as required by one of those methods, can qualify mentally for admission to the Naval Academy if he passes an examination in each of the following subjects: algebra, plane geometry and plane trigonometry, English, United States history, and physics. The examination in these five subjects is known as the regular examination. Deficiency in any one of these subjects will be sufficient to insure rejection of the candidate. The "U. S. Naval Academy Aptitude Test" (described in § 11.28) will also be included with the regular examination. The scope of the subjects covered in the regular examination is given in §§ 11.56 to 11.61, inclusive.

§ 11.50 *List of subjects which can be used for certification—(a) List of secondary school subjects which can be used for certification (Form II)* The list of subjects and of the corresponding weights in units is as follows:

Required subjects.....	8½
Optional subjects.....	6½

Total units needed for an acceptable certificate..... 15

Candidates are not admitted on condition.

(b) *Required and optional subjects.* Every certificate must show evidence of proficiency in eight and one-half units of required subjects and at least six and one-half units of optional subjects chosen from the following:

	Designation	Maximum units allowed
Group I:		
English (maximum of three units allowed and required)—		
English I.....	I	3
English II.....	II	
English III.....	III	
English IV.....	IV	
Group II:		
Mathematics (three and one-half units required of which at least one and one-half must be algebra, one plane geometry, and one-half plane trigonometry; units in excess of three and one-half count as optional)—		
Algebra to quadratics.....	A1	1
Algebra, quadratics and beyond.....	A2	1
Algebra, advanced.....	B	½
Plane geometry.....	C	1
Solid geometry.....	D	½
Plane trigonometry.....	E	½
Higher mathematics.....		
Group III:		
History (one unit of United States history required; other units count as optional)—		
History, ancient.....	A	1
History, European.....	B	1
History, English.....	C	1
History, United States.....	D	1
History, modern European.....	E	1
History, World.....	F	1
Group IV:		
Sciences, drawing, and languages (one unit of physics required; other units count as optional)—		
Physics (recitation, laboratory), first year.....	I	1
Physics (recitation, laboratory), second year.....	II	1
Chemistry (recitation, laboratory), first year.....	I	1
Chemistry (recitation, laboratory), second year.....	II	1
Biology (recitation, laboratory).....	I	1
General science (recitation, laboratory).....	I	1
Psychology.....	I	1
Mechanical drawing, first year.....	I	1
Mechanical drawing, second year.....	II	1
French, first year.....	I	1
French, second year.....	II	1
French, third year.....	III	1

	Designation	Maximum units allowed
Group IV—Continued.		
Sciences, drawing, and languages—		
Continued.		
Spanish, first year.....	I	1
Spanish, second year.....	II	1
Spanish, third year.....	III	1
German, first year.....	I	1
German, second year.....	II	1
German, third year.....	III	1
Italian, first year.....	I	1
Italian, second year.....	II	1
Italian, third year.....	III	1
Latin, first year.....	I	1
Latin, second year.....	II	1
Latin, third year.....	III	1
Latin, fourth year.....	IV	1
Group V:		
Miscellaneous (all units count as optional)—		
Physical geography (recitation, laboratory).....		1
Botany (recitation, laboratory).....		1
Zoology (recitation, laboratory).....		1
Geology.....		1
Astronomy.....		1
Physiology.....		1
Civics.....		1
Problems of democracy.....		1
American problems.....		1
Citizenship.....		1
Sociology.....		1
Social science.....		1
Current events.....		1
Commercial law.....		1
Commercial history.....		1
Commercial arithmetic.....		1
Commercial geography.....		1
Economics.....		1
Economic history.....		1
Economic geography.....		1
Industrial problems.....		1
Public speaking.....		1
Elementary law.....		1
Advanced arithmetic.....		1
Manual training.....		1

(c) Such other standard subjects as are included in the usual high-school or college courses under the general divisions of language, mathematics, philosophy, science, economics, and law will be allowed. Subjects such as penmanship, stenography, typewriting, bookkeeping, Bible, free-hand drawing, music, drill, agriculture, teacher training, and student activities will not be allowed.

§ 11.51 *Definition of unit and of ground covered.* The definition of unit and of the ground covered by the designated subjects is given in § 11.44. Credits must correspond to the unit values of the respective subjects. Greater credit than indicated will not be allowed; less credit will be understood as evidence that the entire subject has not been completed.

DEFINITION OF CERTAIN OF THE SUBJECTS LISTED IN THE CERTIFICATE

§ 11.52 *Definition of mathematics—(a) Algebra to quadratics (one unit)*

(1) The four fundamental operations for rational algebraic expressions.

(2) Factoring, determination of highest common factor and lowest common multiple by factoring.

(3) Fractions, including complex fractions, and ratio and proportion.

(4) Meaning, use, and evaluation of formulas.

(5) Graphical representation.

(6) Linear equations, both numerical and literal, containing one or two unknown quantities.

(7) Problems depending on linear equations.

(8) Radicals, including the extraction of the square root of polynomials and of numbers.

(9) Exponents, including fractional and negative.

(10) Numerical trigonometry—the use of the sine, cosine, and tangent in solving right triangles.

(b) *Quadratics and beyond (one unit)*.
(1) Quadratic equations, both numerical and literal.

(2) Simple cases of equations with one or more unknown quantities that can be solved by the methods of linear or quadratic equations.

(3) Problems depending on quadratic equations.

(4) Graphical solution of quadratic equations.

(5) Simultaneous equations in three unknowns.

(6) The solution of simple cases of equations of degree higher than the second.

(7) Elementary theory and use of logarithms. Variation.

(8) The binomial theorem for positive integral exponents.

(9) The formulas for the n th term and the sum of the terms of arithmetic and geometric progressions, with applications.

It is assumed that pupils will be required throughout the course to solve numerous problems which involve putting questions into equations. Some of these problems should be chosen from mensuration, from physics, and from commercial life. The use of graphical methods and illustrations, particularly in connection with the solution of equations, is also expected.

(c) *Advanced algebra (one-half unit)*

(1) Permutations and combinations, limited to simple cases.

(2) Complex numbers, with graphical representation of sums and differences.

(3) Determinants, chiefly of the second, third, and fourth orders, including the use of minors and the solution of linear equations.

(4) Numerical equations of higher degree, and as much of the theory of equations, with graphical methods, as is necessary for their treatment, including Descartes' rule of signs and Horner's method, but not Sturm's functions or multiple roots.

(d) *Plane geometry (one-unit)* (1) The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular polygons, and the measurement of the circle.

(2) The solution of numerous original exercises.

(3) Application to the mensuration of lines and plane surfaces.

(e) *Solid geometry (one-half unit)*.
(1) The usual theorems and constructions of good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

(2) The solution of numerous original exercises.

(3) Applications to the mensuration of lines, surfaces, and solids.

(f) *Plane trigonometry (one-half unit)*. (1) Definitions and relations of the six trigonometric functions as ratios; circular measurements of angles.

(2) Proofs of principal formulas, in particular for the sine, cosine, and tangent of the sum and the difference of two angles, of the double angle and the half angle, the product expressions for the sum or the difference of two sines or of two cosines, etc., the transformation of trigonometric expression by means of these formulas.

(3) Solutions of trigonometric equations of a simple character.

(4) Theory and use of logarithms (without the introduction of work involving infinite series).

(5) The solution of right and oblique triangles and practical applications.

§ 11.53 *Definition of English*. The study of English in school has two main objects: (I) Command of correct and clear English, spoken and written; (II) ability to read with accuracy, intelligence, and appreciation; familiarity with a few masterpieces.

(a) *Grammar and composition (one and one-half units)*. The first object requires instruction in grammar and composition. English grammar should ordinarily be reviewed in the secondary school; and correct spelling and grammatical accuracy should be rigorously exacted in all written work during the four years. The principles of English composition governing punctuation, the use of words, sentences, and paragraphs should be thoroughly mastered; and practice in composition, oral as well as written, should extend throughout the secondary school period. Written exercises should include letter writing, narration, description, and simple exposition and argument. It is advisable that subjects for this work be taken from the student's personal experience, general knowledge, and studies other than English, as well as from his reading in literature. Finally, special instruction in language and composition should be accompanied by concerted effort of teachers in all branches to cultivate in the student the habit of using good English in his recitations and various exercises, whether oral or written.

(b) *Literature (one and one-half units)*. The second object is sought by the reading and study of English and American literature in a progressive course covering four years. The student should be trained to read aloud with expression and clarity and to read silently with swift comprehension. He should be encouraged to commit to memory some of the more notable passages both in verse and in prose. As an aid to literary appreciation he should be further advised to acquaint himself with the most important facts in the lives of the authors whose works he reads and with their place in literary history. The aim is to foster in the student the habit of intelligent reading and to develop a taste for good literature, by giving him a first-hand knowledge of some of its best specimens. He should read the books carefully, but his attention should not be so

fixed upon details that he fails to appreciate the main purpose and charm of what he reads.

§ 11.54 *Definition of history*. Ancient history, comprising the history of the ancient world and of Greece and Rome to the year 476 A. D. (One unit.)

(b) European history, including both medieval and modern. (One unit.)

(c) English history. (One unit.)

(d) United States history. (One unit required. The standard year course in United States history, or a year course embracing both United States history and civil government, will fulfill this requirement.)

(e) Modern European history. (One unit.)

(f) World history. (One unit.)

§ 11.55 *Definition of physics*—(a) *Physics*. The requirement to obtain one unit of credit in physics is a course of one academic year, comprising (1) the study of a standard textbook in physics, with recitations, demonstration lectures, and problems, and (2) laboratory work.

(b) At least 25 experiments should be performed individually by the candidate in the laboratory and the results carefully recorded in a notebook. The notebook need not be presented with the certificate for admission, but the certificate must bear suitable notation if there have been fewer than 25 experiments. The experiments performed should include the following: Measurement of mass and of volume, principle of Archimedes, specific gravity of solids and of liquids, parallelogram law, moments, efficiency of a simple machine, calibration of a thermometer, expansion of a solid, determination of specific heat, heat of fusion and of vaporization, reflection and refraction of light, focal length of a lens, and Ohm's law.

SCOPE OF THE SUBJECTS COVERED IN THE ENTRANCE EXAMINATIONS

§ 11.56 *Scope of subjects covered*. The substantiating examination consists of an examination in algebra, plane geometry and plane trigonometry, and English. The regular examination consists of an examination in algebra, plane geometry and plane trigonometry, English, United States history, and physics. Those parts of the substantiating and regular examinations which cover the same subjects are identical.

§ 11.57 *Scope of algebra examination*. This examination is designed to test the candidate's knowledge of the topics given in § 11.52 (a) and (b). These topics are adequately covered by—

(a) Wells and Hart, *Modern High School Algebra*, D. C. Heath & Co.

(b) Hawkes, Luby, and Touton, *First and Second Year Algebra* (combined) Ginn & Co.

(c) Schorling, Clark, and Smith, *Second-Year Algebra*, World Book Co. and other standard high school texts in algebra.

§ 11.58 *Scope of plane geometry and plane trigonometry examination*. This examination is designed to test the candidate's knowledge of the topics given in § 11.52 (d) and (f). The topics for

the part of the examination in geometry are adequately covered by:

(1) Hawkes, Luby, and Touton, *New Plane Geometry*, Ginn & Co.

(2) Wentworth and Smith, *Plane Geometry*, Ginn & Co.

(3) Wells and Hart, *Plane Geometry*, D. C. Heath & Co. and other standard high school texts in plane geometry.

(b) The topics for the part of the examination in trigonometry are adequately covered by:

(1) Curtiss and Moulton, *High School Trigonometry*, D. C. Heath & Co.

(2) W. L. Hart, *Plane Trigonometry*, D. C. Heath & Co.

(3) Granville, Smith, and Mikesh, *Plane Trigonometry*, Ginn & Co. and other standard high school texts in plane trigonometry.

§ 11.59 Scope of English examination.

(a) The examination presupposes 4 years of study (3 units of credit) of English in a secondary school. The questions of one portion are designed to test grammatical usage, capitalization, punctuation, spelling, vocabulary, reading ability, sentence style and structure, and a general knowledge of English and American literature.

(b) The other portion will consist of exercises in theme writing designed to measure the candidate's ability in English composition.

(c) For questions in literature, the Naval Academy recommends that the candidate read and study works of recognized excellence in each of the following groups: (1) drama, (2) prose narrative, (3) poetry, (4) essays, biographies, and miscellaneous prose. It is important that he have an acquaintance with traditionally great literature and with recognized literary types.

§ 11.60 Scope of history examination.

(a) This is an objective examination designed to cover: (1) American history from the colonial beginnings to the present, as generally taught in standard secondary school history courses; and (2) the major events of current American and world history. The usual "current events" complement of an American history course should prepare a student for the questions on topic (2). Map questions may be used where suitable.

(b) The following outline is suggestive of the material to be covered:

The sources of colonial American population; the founding of American institutions; the effect of our European background on the formation of these institutions; causes and results of the Revolution; creation of the Federal Republic; American democracy and the frontier; post-revolutionary conditions, national and international; growth of internationalism; development of American ideas of government as reflected in the national Government; expansion toward the West; causes, military and naval aspects, and results of the Civil War; the growth of the Nation, disappearance of the frontier; development of railroads; expanding economy and national markets; growth of industrialism, the effects of industrialism on the farmer and on capital and labor; reform movements; the Spanish-American War; the United States as a world power. The rise of Fascism and Nazism and their growing threat to world peace; America's defense program; the causes and events of World War II.

§ 11.61 Scope of physics examination.

(a) The examination will be based on the topics listed in paragraph (c) of this section. No laboratory work will be required, but some of the questions may be based on subject matter of which the candidate will have better knowledge from having performed experiments.

(b) In preparation for the examination any of the following textbooks are recommended, as the subject matter covered in these is sufficient to meet the requirements: Millikan, Gale, and Coyle, *New Elementary Physics*, Ginn & Co., Black and Davis, *Elementary Practical Physics*, Macmillan; Fuller, Brownlee, and Baker, *First Principles of Physics*, Allyn and Bacon; Duff and Weed, *Elements of Physics*, Longmans; Dull, *Modern Physics*, Holt; Henderson, *New Physics in Everyday Life*, Lyons and Carnahan; Hausmann and Slack, *Physics*, Naval Academy Edition, Van Nostrand.

(c) The course of study should include the following topics:

(1) *Measurements and properties of matter.* Metric and English systems of units and conversions; mass, volume, weight, density, properties and states of matter, Hooke's law.

(2) *Mechanics of fluids.* Pressure, total force, water systems, Pascal's law, buoyancy, Archimedes' principle, specific gravity, pressure and weight of at-

mosphere, barometers, siphon, lift pump, Boyle's law.

(3) *Mechanics of solids.* Universal gravitation, center of gravity, equilibrium, stability, uniform motion, accelerated motion, falling bodies, force, Newton's laws of motion, centrifugal force, simple pendulum, momentum, composition and resolution of forces, moments, work, kinetic and potential energy, conservation of energy, power, horsepower, simple machines, mechanical advantage, efficiency, friction.

(4) *Heat.* Sources, thermometers, conversion, Centigrade and Fahrenheit, expansion of solids, liquids, and gases, Charles' law, general gas law, absolute zero, transmission of heat, measurement of heat, calorie and B. t. u., specific heat, change of state, fusion and vaporization, mechanical equivalent of heat, moisture conditions in atmosphere, humidity.

(5) *Sound.* Wave motion, sources and nature of sound, velocity, frequency and wave length, echoes, resonance, interference, characteristics of musical tones, laws of vibrating strings.

(6) *Light.* Sources and nature, transmission, photometry, candlepower, illumination, reflection and refraction, plane mirrors, spherical mirrors, lenses, construction of image diagrams, magnification, color, spectra, dispersion.

(7) *Magnetism and electricity.* Magnets and polarity, terrestrial magnetism, magnetic induction, fields of force, current electricity primary cells, storage cell, current, resistance, electromotive force, Ohm's law, magnetic effect, and electromagnets, heating effect, chemical effect, cells and resistance in series and parallel; electric energy and power, electrical units (ampere, ohm, volt, watt, kilowatt, kilowatt-hour), connection of instruments, electromagnetic induction, simple two-pole generator and motor.

TIME SCHEDULE

§ 11.62 *Time schedule; mental examinations.* The following time schedule is published for the information and guidance of those concerned.

All candidates report at 9 a. m. The time until 9:45 a. m. will be utilized in making out the Declaration Sheet and in reading the instructions on the Preliminary Sheet. The subjects comprising each type examination and the time allowed are as indicated in the following table:

Subject No.	Subject	Time allowed	Required for candidates entering by—		
			Regular examination	Substantiating examination	College certificate
		FIRST DAY			
1	U. S. Naval Academy Aptitude Test.....	9:45 a. m. to 12:45 p. m. (180 minutes) (Intermission, 154 hours.)	Yes.....	Yes.....	Yes.
2	Plane Geometry and Plane Trigonometry.....	2:00 p. m. to 4:00 p. m. (120 minutes)	Yes.....	Yes.....	No.
		SECOND DAY			
3	English.....	9:30 a. m. to 11:45 a. m. (135 minutes) (Intermission, 154 hours.)	Yes.....	Yes.....	No.
4	Algebra.....	1:00 p. m. to 3:00 p. m. (120 minutes)	Yes.....	Yes.....	No.
		THIRD DAY			
5	United States History.....	9:00 a. m. to 10:15 a. m. (75 minutes)	Yes.....	No.....	No.
6	Physics.....	10:30 a. m. to 12:00 noon (90 minutes)	Yes.....	No.....	No.

ENTRANCE PROCEDURE AND EQUIPMENT

§ 11.63 *Entrance procedure.* (a) Candidates who meet the mental, moral, and physical requirements and for whom there are vacancies will receive appointments as midshipmen and be admitted as such to the Naval Academy. Each candidate for midshipman will be required to sign articles (with consent of parent or guardian) by which he binds himself to serve in the United States Navy during the pleasure of the President of the United States (including his time as a midshipman at the Naval Academy) unless sooner discharged. He will be required to certify on honor his exact age.

Each candidate for midshipman upon entrance will be required to take oath of office as follows:

I, _____, of the State of _____, aged _____ years _____ months, having been appointed a midshipman in the United States Navy, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So help me God.

(b) Each midshipman hereafter appointed to the Naval Academy shall be required to sign an agreement that, in the event of the acceptance of his resignation from a commissioned status in the Regular Navy or Marine Corps prior to the sixth anniversary of his graduation from the Navy Academy, he will accept such commission in the Organized Naval or Marine Corps Reserve to which he may be appointed and will not resign from the Reserve prior to such sixth anniversary.

(c) He will also be required to subscribe to the following under oath:

For and in consideration of the privileges, opportunities, and benefits afforded me during the continuance of my service as a midshipman, I agree to and with the Superintendent of the United States Naval Academy, as follows:

First: To enter the service of the Navy of the United States and to the utmost of my power and ability to be in everything conformable and obedient to the several requirements and lawful commands of the officers who may be placed over me.

Second: I oblige myself, during such service, to comply with and be subject to such laws, regulations, and Articles for the Government of the Navy as are or shall be established by the Congress of the United States or other competent authority.

Third: To submit to treatment for the prevention of smallpox, typhoid (typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval authorities.

§ 11.64 *Course of training; standing in class.* All midshipmen at the Naval Academy take the same course of instruction except in Foreign Languages. The course is of 4 years' duration and is designed for the purpose of training students to become officers in the Navy. The word "officers" as used in the foregoing sentence means officers of the line and does not include officers of the Medical Corps, Dental Corps, etc. No special courses are offered. No midshipman, regardless of his special qualifications or advanced education, can be given advance standing upon his admission to the Naval Academy. However, these factors should be especially beneficial in that they should enable a midshipman to stand near the top of his class. His relative standing in his class upon graduation has an important bearing on promotions after being commissioned an officer in the Navy.

§ 11.65 *Pay of midshipmen.* The pay of a midshipman is \$780 a year, commencing at the date of his admission, and is sufficient to meet all his expenses while at the Naval Academy.

§ 11.66 *Personal effects.* Midshipmen, immediately upon entrance, will be required to purchase from the midshipmen's storekeeper a regulation entrance outfit. In addition, the following items will be required, but need not conform to a standard pattern, and may be brought from home if desired:

1 brush, hair.	1 comb.
1 razor.	1 tooth brush.
1 shaving brush.	1 tooth paste.
1 shaving cream.	

§ 11.67 *Deposit required.* Each candidate who has qualified mentally and physically must, before being admitted as a midshipman, deposit with the midshipmen's storekeeper the sum of \$100, to be used in part payment to cover cost of uniforms, clothing, textbooks, etc. The amount deposited is not refunded, but is expended for clothing and textbooks, which become the property of the midshipman. This deposit should be made in the form of cash, cashier's check, certified check, traveler's check, or postal or telegraph money order and must not be made payable to the order of the Superintendent but should be made payable to the candidate's own order and presented to the midshipmen's storekeeper at the Naval Academy at the time

of entrance. Commercial paper made payable in any other form causes needless delay and inconvenience.

§ 11.68 *Credit allowance.* The required regulation entrance outfit, plus the additional uniforms, clothing, and textbooks needed before a midshipman may commence his studies, are valued at \$350. In the event the midshipman cannot pay the full \$350, the additional \$250 (over the \$100 required by § 11.67) is loaned to him by the Government and is deducted from his midshipman's pay in monthly installments until liquidated. The surplus of the midshipman's pay is accumulated for him during the course, to be used for the purchase of his graduation uniforms and equipment, hence those who are initially in debt to the Government will have little or no money available for their officer outfits at the end of the course. For this reason it is urgently recommended that candidates pay the entire \$350 upon entrance.

§ 11.69 *Mileage allowance.* Midshipmen are allowed 5 cents a mile for traveling expenses from their homes to the Naval Academy. This money is credited to their accounts after they have actually become midshipmen. This money usually is retained on the midshipman's account to his credit, and his account is thereby in much better condition when he desires money for leave on the practice cruise or during his first September leave. If parents desire to be reimbursed for the money advanced their sons to make the trip to Annapolis, the mileage allowance may be sent to them, providing the midshipman makes written request to the Commandant of Midshipmen.

§ 11.70 *Available accommodations for candidates taking formal physical examination.* Three days are normally required for completion of the formal physical examination for admission as midshipman. Accommodations will be made available in Bancroft Hall for bed and meals after successfully completing the first day of the entrance physical examination. As many candidates will be accommodated as facilities will permit. Further details relative to cost, etc., will be furnished candidates when they are directed to report for the formal physical examination. These accommodations are only for candidates who are in all other respects qualified and who are directed by the Bureau of Naval Personnel to report for the final physical examination. They are not available for those who elect or are authorized to report here for preliminary physical examination.

RULES AND REGULATIONS

APPENDIX A

COURSE OF INSTRUCTION, 1946-47

[Reference books are marked *]

First year—fourth class

SUMMER TERM

Departments	Periods each week	Subjects	Textbooks
Executive.....	4 ¹	Leadership.....	Leadership in the New Age, by Wolf.
Marine engineering.....	13	Elementary engineering drawing and descriptive geometry.....	Bartlett and Johnson's Engineering Descriptive Geometry and Drawing.
Mathematics.....	5	Review of plane trigonometry.....	Plane and Spherical Trigonometry, by Mulhy and Saslaw. Logarithmic and Trigonometric Tables, by Department of Mathematics. Manual of Mathematics and Mechanics with supplement, by Clements and Wilson. Keuffel and Esser's Slide Rule No. 4080-3 (modified) with manual.* Alden and Earle's Makers of Naval Tradition. Hammond's World Atlas and Gazetteer. Hamilton's Preface to Writing. A Guide to Efficient Study (pamphlet). Departmental Transcription.
English, history, and Government.....	2	Geography lectures, indoctrination and remedial English, instruction in lesson preparation and study.	Do. Do. Do. Do. Do.
Foreign languages.....	3 ²	Spanish..... French..... Portuguese..... German..... Russian..... Reverse Spanish.....	Do. Do. Do. Do. Do. Do.

FIRST TERM

Marine engineering.....	13	Descriptive geometry and engineering drawing.....	Bartlett and Johnson's Engineering Descriptive Geometry and Drawing.
Mathematics.....	5	Algebra..... Plane trigonometry (Vectors)..... Plane and solid analytic geometry.....	College Algebra, Fourth Edition, by Rietz and Crathorne. Plane and Spherical Trigonometry, by Mulhy and Saslaw. Analytic Geometry, Alternate Edition, by Wilson and Tracey. Logarithmic and Trigonometric Tables. Slide Rule and Manual. Briscoe's College Chemistry, 1945 Edition. Department's Chemistry Laboratory Manual and Department Notes, 1946 edition. Thorp and Thorp's Modern Writing Marks and Bryan's The College Writer.
Electrical engineering.....	3	Chemistry.....	LaGrone's Conversational Spanish for Beginners. Castillo & Sparkman's Graded Spanish Readers (Books I-V). Adam's Brief Spanish Review Grammar and Composition. Fernandez' Naciones bajo las Armas. Micks & Long's Fundamental French. Bullard and Carrel's Thèmes Faciles. Galland's Ten Favorite French Stories. Deval's Tovaritch. Evans and Röseler's Shorter College German. Kästner's Emil und die drei Zwillinge (Advanced sections). William's First Brazilian Grammar. Hamilton and Fahs' Anecdota Faciles. Bondar's Simplified Russian Method. Patrick's Elementary Russian Reader. Sieff's Colloquial Russian. Sparkman's Primer Curso de Inglés.
English, history and Government.....	2	Composition.....	
Foreign languages.....	3	Spanish..... Spanish (Advanced language course.)..... French..... French (Advanced language course.)..... German..... Portuguese..... Russian..... Reverse Spanish.....	

SECOND TERM

Marine engineering.....	13	Engineering drawing..... Graphical mechanics..... Naval machinery (boilers).....	Bartlett and Johnson's Engineering Descriptive Geometry and Drawing. Principles of Basic Mechanisms, by Department of Marine Engineering. Naval Machinery—1946, Parts I and II, by Department of Marine Engineering.
Mathematics.....	5	General marine engineering..... Solid analytic geometry..... Differential calculus.....	Analytic Geometry, Alternate Edition, by Wilson and Tracey. Elements of Calculus, by Granville, Smith, and Longley. Slide Rule, Manual and Tables. Briscoe's College Chemistry, 1945 Edition. Department's Chemistry Laboratory Manual and Department Notes, 1946 edition. Hibbard's Writers of the Western World (Naval Academy Edition).
Electrical engineering.....	2	Chemistry.....	Same as First Term plus: Grismer's Sailing the Spanish Main. Lundeberg's Lobos de Mar. New Naval Phrasology.
English, history, and Government.....	3	Composition and literature.....	Ernst and Schwarz's Lectures Françaises, Books I (Elementary) & II (Intermediate). Sheffer's Aspects de la Guerre Moderne. New Naval Phrasology.
Foreign languages.....	3	Spanish..... Spanish (Advanced language course.)..... French..... French (Advanced language course.)..... German..... Portuguese..... Russian..... Reverse Spanish.....	Evans and Röseler's Shorter College German. Fröschel's Himmel, Meine Schuhe. Whitaker's Gerstlacker: Gernmelshausen. Heyse's L'Arrabbiata. Kästner's Die Verschwundene Miniatur. Evans and Röseler's Say It in German (Advanced sections). Same as First Term plus: Kany and Figueiredo's Elementary Portuguese Conversation. Same as First Term. Same as First Term plus: Sparkman's Elementary English Readings. Loomis and Clark's Modern English Readings.

¹ 2-hour periods.
² Total of 25 recitations.³ Total of 6 recitations.
⁴ 10 1-hour lecture periods.⁴ 2-hour periods.

PART 12—NAVAL RESERVE OFFICERS' TRAINING CORPS

GENERAL PRINCIPLES

- Sec.
12.101 Authorization.
12.102 Supervision.
12.103 Mission.
12.104 Scope as an agency to provide and maintain naval officer strength.

ORGANIZATION

- 12.201 Organization of the NROTC.
12.202 Department of Naval Science.
12.203 Designation of units.
12.204 Course of training.
12.205 Requirements for establishment of units.
12.206 Application for establishment of units.
12.207 Inspection of institution prior to establishment of unit.
12.208 Limitation of personnel of NROTC.
12.209 Withdrawal of authority for establishment of a unit.
12.210 Land-grant institutions.

CONDITIONS OF SERVICE

- 12.301 Types of NROTC students.
12.302 Naval Science students.
12.303 Faculty members.
12.304 Enrollment procedures.
12.305 General qualifications for enrollment.
12.306 Physical examinations.
12.307 Disenrollment.
12.308 Transfer between NROTC institutions.
12.309 Delay in completion of course.
12.310 Transfer to Flight Training Program.
12.311 Commissioning procedure.
12.312 Commissioned status upon completion.
12.313 Determination of precedence upon commissioning.

ADMINISTRATION

- 12.401 General policies.
12.402 Communications.
12.403 Inspections.
12.404 Review of accomplishments.
12.405 Officer and enlisted personnel.
12.406 Head of Department of Naval Science.
12.407 Duties and status of additional officers and of enlisted men.
12.408 Discipline.
12.409 Residence and uniform of officers and enlisted men.
12.410 Conducting additional courses of instruction or taking courses of instruction offered by an institution.
12.411 Navy Day observance.

TRAINING

- 12.501 General.
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AUTHORITY: §§ 12.101 to 12.1002, inclusive, issued under ch. 531, 43 Stat. 1273, as amended, and ch. 532, 43 Stat. 1057, as amended; 34 U. S. C., Sup. 821.

NOTE: Sections 12.101 to 12.1002, inclusive, are also contained in Regulations for Administration and Training Naval Reserve Officers' Training Corps, Navy Department, 22 August, 1947.

GENERAL PRINCIPLES

§ 12.101 *Authorization.* The Naval Reserve Officers' Training Corps is established under authority of section 22 of the act of March 4, 1925, as amended, and the act of August 13, 1936, as amended (ch. 530, 43 Stat. 1276, ch. 532, 43 Stat. 1057; 34 U. S. C., Sup. 821).

§ 12.102 *Supervision.* (a) In conformity with the provisions of the National Defense Act, the NROTC is operated by the President of the United States through appropriate administrative regulations issued for him by the Secretary of the Navy.

(b) The Secretary of the Navy is also authorized to prescribe standard courses for theoretical and practical Naval training for NROTC Units and to issue to institutions with NROTC Units such transportation, equipment, and uniforms belonging to the United States as he may deem necessary, and to authorize such expenditures from proper Navy appropriations as he may deem necessary for the efficient maintenance of the NROTC.

(c) The Bureau of Naval Personnel is the administrative agency of the Secretary of the Navy, as explained in §§ 12.401 to 12.411, inclusive.

(d) NROTC Bulletins, issued when required by the Bureau of Naval Personnel, will embody current Bureau directives dealing with the operation and administration of the NROTC.

§ 12.103 *Mission.* The mission of the Naval Reserve Officers' Training Corps is to provide by a permanent system of training and instruction in essential naval subjects at civil educational institutions a source from which qualified

officers may be obtained for the Navy and the Marine Corps, and the Naval Reserve and the Marine Corps Reserve.

§ 12.104 *Scope as an agency to provide and maintain naval officer strength.* The NROTC will accomplish its mission as an agency for providing and maintaining naval officer strength by:

(a) Qualification of students for appointment as ensigns in the regular Navy and the Naval Reserve, or second lieutenants in the Marine Corps and the Marine Corps Reserve, thus assisting in meeting the needs for commissioned personnel.

(b) Increased dissemination of knowledge concerning the Navy and Marine Corps, their purposes, ideals, achievements, and handicaps, thereby gaining and holding increased public interest in the maintenance of adequate naval preparedness.

ORGANIZATION

§ 12.201 *Organization of the NROTC.* The Naval Reserve Officers' Training Corps is composed of naval training units established in civil educational institutions of the United States. A unit is the total enrollment of Regular and Contract students in the NROTC at any one civil educational institution. (See § 12.301.)

§ 12.202 *Department of Naval Science.* Instruction given at any institution in accordance with programs prescribed by the Navy Department will be conducted or supervised by a Department of Naval Science.

§ 12.203 *Designation of units.* The unit established at any civil educational institution will be officially designated as "(name of institution) NROTC unit."

§ 12.204 *Course of training.* The NROTC course of training consists of those courses, practice periods, and exercises prescribed by the Navy Standardized Curriculum currently in effect, together with such summer training duty or training cruises as may be prescribed. A Midshipman pursuing a normal four year college course will be required to carry a minimum of one Naval Science course per semester, unless otherwise authorized by the Professor of Naval Science.

During the junior and senior years, special professional courses are provided at all units for students desiring to obtain commissions in the Marine Corps, and at certain designated units for those desiring commissions in the Supply Corps.

In order that NROTC graduates may have a sound and liberal background of academic as well as professional knowledge, additional standard academic courses, as offered by the college faculty, are prescribed, and certain elective subjects are recommended.

§ 12.205 *Requirements for establishment of units.* The following requirements must be met prior to the establishment of an NROTC unit at a civil educational institution:

(a) For normal operation an annual minimum initial enrollment in the Naval Science courses of 33 qualified male students is required to maintain a Naval Reserve Officers' Training Corps Unit.

Such input into the NROTC will be limited and controlled as directed by the Bureau of Naval Personnel on a schedule consonant with the needs of the service.

(b) The authorities of the institution shall agree to establish and maintain the courses in Naval Science prescribed by the Bureau of Naval Personnel.

(c) Credits toward a degree will be granted for Naval Science subjects commensurate with the time expended, in the same manner as for other academic subjects.

(d) The authorities of the institution shall agree to appoint to the faculty, with appropriate rank, a Naval or Marine Corps officer detailed as Professor of Naval Science and such additional officers of the Regular Navy, Naval Reserve, Marine Corps, or Marine Corps Reserve as may be assigned by the Navy Department.

§ 12.206 Application for Establishment of Units. A civil educational institution desiring the establishment of a unit of the NROTC should make application to the Bureau of Naval Personnel on the form prescribed in § 12.1001.

§ 12.207 Inspection of Institution Prior to Establishment of Unit. When the establishment of a new unit is to be considered by the Navy Department, an officer will be designated by the Bureau of Naval Personnel to visit and inspect any educational institution submitting the application for establishment of a unit prescribed in § 12.206. This officer will report to the Bureau of Naval Personnel upon completion of his inspection as to whether or not the institution inspected fulfills the requirements of the laws and regulations governing the establishment of a unit, and he will specifically recommend in his report whether or not a unit should be established.

§ 12.208 Limitation of personnel of NROTC. The enacting law as amended prescribes that the total of NROTC students in training shall not exceed 15,400 at any one time. Of these not more than 14,000 shall be Regular NROTC Students as defined in § 12.301 (a). The remainder of the 15,400 total may be composed of Contract NROTC Students whose tuition is not paid by the Navy, as specified in § 12.301 (b).

§ 12.209 Withdrawal of authority for establishment of a unit. An institution desiring to withdraw from the NROTC will so report in writing, giving reasons in full therefor to the Bureau of Naval Personnel at least three months prior to the date upon which withdrawal is to be effective. A unit will not be maintained at an institution when the institution, after thorough consideration, desires its withdrawal. Ordinarily, however, a unit will be withdrawn only at the end of an academic year. The Secretary of the Navy may, upon the recommendation of the Bureau of Naval Personnel, and upon at least three months notice in writing to the institution, withdraw the unit from any institution where such unit is established and rescind authorization for a unit at that institution should it be considered that the work of the unit is not compatible with the mission of the NROTC. Whenever the

authorities of an institution request the withdrawal of a unit, or when in the opinion of the Professor of Naval Science a unit should be withdrawn, the Professor of Naval Science shall make a report to the Bureau of Naval Personnel, including therein the following information:

(a) Attitude of the faculty of the institution regarding the failure of the institution to meet the requirements of the laws and regulations respecting enrollment. (§ 12.205 (a))

(b) Attitude of the institution, its faculty and administration toward the NROTC.

(c) Attitude of the student body toward the NROTC.

(d) A statement of the extent of the efforts made by the Professor of Naval Science to overcome difficulties and to maintain a successful unit.

(e) Recommendation of the Professor of Naval Science as to continuance or withdrawal of the unit in question.

(f) Any other facts necessary to arrive at a proper understanding of the situation at the institution.

(g) If practicable, the Professor of Naval Science will obtain and attach to the report a written statement from and signed by the head of the institution, endorsing thereon his comments and recommendations.

(h) The Bureau of Naval Personnel will make or cause to be made such investigation concerning requests or recommendations for the withdrawal of a unit from an institution as may be necessary, and make appropriate recommendations to the Secretary of the Navy.

§ 12.210 Land-grant institutions. The obligations of land-grant institutions to provide military instruction imposed by the Act of 2 July 1862 (12 Stat. 503; 7 U. S. C. 304) are not altered by the enacting law authorizing the NROTC, or by the regulations in this part. The military training requirements prescribed by the above act are considered to be fulfilled by students who have successfully completed two years of Naval Science courses and drills.

CONDITIONS OF SERVICE

§ 12.301 Types of NROTC students. Officer candidates in the NROTC will be of two types:

(a) Regular NROTC Students are appointed Midshipmen, USNR, and will be granted the compensation and benefits specified in §§ 12.701 to 12.803, inclusive. In accordance with their contract (§ 12.1002 (a)) such students are obliged to make all required summer practice cruises (§ 12.506) and to serve at least 15 months or, at the discretion of the Secretary of the Navy, two years, on active duty after commissioning as Ensigns, U. S. Navy, or Second Lieutenants, U. S. Marine Corps, unless sooner released by the Secretary of the Navy. They may apply for retention as career officers in the Regular Navy or Marine Corps in accordance with § 12.312.

(b) Contract NROTC Students have the status of civilians who have entered into a mutual contract with the Navy (see § 12.1002 (a)). For administrative

purposes they are referred to as Reserve Midshipmen. They are not entitled to the compensation or benefits paid Regular NROTC Students except that they are entitled to the uniform issue specified in § 12.802, payment of commutation of subsistence during their final two years of NROTC training (§ 12.703), and the practice cruise compensations specified in § 12.702. Contract NROTC students agree to accept a commission in the Naval Reserve or the Marine Corps Reserve but may, if they so desire and if their services are required, be commissioned as Ensigns, USN or Second Lieutenants, USMC and serve for two years on active duty. They may then apply, if they so desire, for retention in the service (§ 12.312). Contract NROTC Students are required to make one summer practice cruise. Contract Students desiring to transfer to the status of Regular Students must qualify through the annual competitive examination and selection procedure.

§ 12.302 Naval Science Students. (a) With the approval of the Bureau of Naval Personnel, the Professor of Naval Science, and the academic authorities, civilian students who have not entered into any contract with the Navy may be permitted to pursue Naval Science courses for college credits. They will be designated as Naval Science Students. They are not eligible to make NROTC practice cruises or to be paid any compensation or benefits.

(b) Naval Science Students may become eligible for enrollment in the NROTC as Contract Students, provided they comply in every respect with the requirements for original enrollment, when vacancies occur in the Unit quota. They may also compete in the annual competition for entrance into the NROTC as Regular Students.

(c) Naval Science Students must be informed that they are not actually enrolled in the NROTC. They may, with the approval of the Professor of Naval Science, participate in local drills.

(d) Naval Science Students shall be allowed access only to such classified instructional materials and publications as are necessary for the pursuit of Naval Science subjects and which are required in the curriculum.

§ 12.303 Faculty members. Members of the faculty may, with the approval of the Professor of Naval Science, take any of the courses of instruction prescribed for members of the NROTC. Participation in these courses will not entitle them to enrollment in the NROTC or to any pay or allowances.

§ 12.304 Enrollment procedures. (a) Regular NROTC Students, in general, will be enrolled after a competitive selection procedure from among young men in civilian life and enlisted men in the Navy and the Marine Corps. This selection is controlled by the Chief of Naval Personnel subject to the concurrence of the Commandant of the Marine Corps in the case of enlisted men of the Marine Corps, and detailed directives concerning procedures will be issued and widely distributed from time to time. Such students must be qualified for ad-

mission to an NROTC institution under the regulations of that institution.

(b) Contract NROTC Students are to be enrolled by the Professor of Naval Science within limited numbers specified by the Chief of Naval Personnel in accordance with instructions issued from time to time. Such students must meet the qualifications specified for all NROTC enrollees in §12.305 and must be in attendance at an NROTC institution.

§12.305 *General qualifications for enrollment.* In general, each candidate for enrollment in the NROTC must meet the following requirements:

(a) Be an unmarried male citizen of the United States and agree to remain unmarried until commissioned or disenrolled.

(b) Have attained the 17th anniversary of his birth on or before July first of the year of enrollment and be of such age that he will not have passed his 25th anniversary of his birth on July first of the year he will be commissioned, (i. e., not over 21 on July first for initial enrollment at the beginning freshman level) The Professors of Naval Science are authorized, however, to waive the minimum age requirements for contract students of the freshman class in those cases where they consider the student involved to be of sufficient maturity to undertake the Naval Science courses and drills. A special letter report, stating the names of all students for whom such waivers have been granted, will be forwarded to the Bureau of Naval Personnel. No waiver of the age requirements for regular students will be granted.

(c) Be morally qualified and possess officer-like qualifications and character as evidenced by appearance, scholarship, extra-curricular activities, and record in his home community.

(d) Be at least a high school graduate or person of equivalent educational level if selected competitively or, be enrolled in good standing and attending an NROTC institution if selected by the Professor of Naval Science.

(e) Be physically qualified in accordance with the requirements of the current Manual of the Medical Department for entrance into the Naval Academy.

(f) Any person receiving compensation from the United States Veterans Administration for disability incurred in the Naval or Military service of the United States, or who has any claim pending under that bureau on account of such disability, is not eligible for enrollment in the NROTC.

(g) A citizen of the insular possessions of the United States, unless he has been legally admitted as a citizen of the United States, is not eligible for membership in the NROTC.

(h) No member of the active personnel of the Army, Navy, Marine Corps, or Coast Guard, or member of Reserve of National Guard Components shall be eligible for enrollment as a Regular Student (Midshipman, USNR) in the NROTC while retaining his status in the other organization. No commissioned officer, Regular or Reserve, of any service is eligible. Enlisted members of the

Volunteer Naval Reserve and Marine Corps Reserve may be enrolled as Contract Students.

§12.306 *Physical examinations.*—(a) *Initial examination.* (1) Each applicant for enrollment as a contract student by the Professor of Naval Science, will be first examined to determine his physical qualifications; and NMS Form "Y" in duplicate shall be forwarded to the Chief of the Bureau of Medicine and Surgery in the Chief of Naval Personnel.

(2) Regular students need not be physically examined upon arrival, as they will already have been approved as physically qualified. Their first physical examination after enrollment will be that required by paragraph (b) of this section.

(b) *Annual physical examinations.* The Professor of Naval Science shall require each student enrolled in the NROTC to be physically examined during the last semester or quarter of each academic year and NMS Form "Y," in duplicate, forwarded as in paragraph (a) of this section. In addition, each copy of NMS Form "Y" shall contain, in the upper right corner, the student's officer file number. This examination may be given at the same time as the pre-graduation physical examination required by paragraph (e) of this section.

(c) *Health records.* Health records shall be opened for both Contract and Regular Students at their first physical examination after entry into the NROTC.

(d) *Vaccinations and inoculations.* At the time of the annual physical examinations, appropriate vaccinations and inoculations should be given to all students expecting to go on the summer cruise or to camp.

(e) *Pre-graduation physical examinations.* Graduating students must complete their annual physical examination 90 days prior to graduation (§12.1002 (d)). This physical examination must be conducted by a board of medical examiners. The examination shall be conducted in accordance with the appropriate provisions of the Manual of the Medical Department, and qualifications shall be as specified therein. The report thereof on NMS Form "Y," in duplicate, and the medical questionnaire shall be forwarded as in paragraph (a) of this section with the application for commission.

The student's officer file number shall be entered in the upper right corner of the form "Y." The purpose of the physical examination shall be clearly indicated on the form "Y" as appropriate, i. e., "Appointment to Commissioned Rank as Ensign, line for SC or CEC" in the U. S. Navy (or Naval Reserve) or Second Lieutenant in the U. S. Marine Corps (or Marine Corps Reserve). The following statements, in duplicate, shall be attached to the form "Y": "We hereby certify that the examined candidate is (is not) physically qualified for appointment to commissioned rank as Ensign, line, in the U. S. Navy (or as appropriate)," over the signature of the Board of Medical Examiners; and "I certify that I have informed the Board of Medical Examiners of all the bodily ailments which I have suffered, and to the best of my knowledge and belief, I am free from any bodily or mental ailments, (except

those as follows: _____), over the signature of the candidate enclosed.

(Attention is invited to the provisions of Section 870, Naval Courts and Boards, 1937)

(f) *Visual standard.* Visual standard for original entry to the NROTC is 20/20, each eye. Any student whose vision in either eye during his period of service falls below 18/20 may be subject to disenrollment. The Professor of Naval Science shall carefully review the entire record of any student whose vision falls below 18/20 and shall recommend retention or disenrollment in accordance with the student's overall record. However, the Professor of Naval Science shall recommend disenrollment in every case where the student's vision has dropped below 15/20 correctable to 20/20 in each eye unless he is pursuing a course of study which should qualify him for a staff corps appointment, and in every case where the student's vision has dropped below 8/20.

(g) *Disposition of physically disqualified.* Students not meeting physical standards shall be recommended for disenrollment. (§12.507)

(h) *Assistance.* The Professor of Naval Science shall request whatever medical or dental assistance may be required for carrying out any of these physical examinations from the Commandant of the Naval District.

§12.507 *Disenrollment.*—(a) *General.* Any NROTC student dropped by the institution for academic failure or any other reason shall be immediately disenrolled by the Professor of Naval Science. The date of disenrollment shall be set by the Professor of Naval Science and reported to the Bureau of Naval Personnel on disenrollment report (NavPers 364). If a contract student, no further correspondence will be required. If the student being disenrolled is a regular student, the Chief of Naval Personnel will recommend to the Secretary of the Navy that appointment as Midshipman be terminated. After approval by the Secretary, the letter of termination will be prepared by the Chief of Naval Personnel, and appointment terminated retroactive to the date set by the Professor of Naval Science.

(b) *Physical.* The Professor of Naval Science shall recommend to the Chief of Naval Personnel direct, on NavPers 364, the disenrollment of any student who does not meet the required physical standards for retention in the NROTC. Recommendations shall be accompanied by NMS Form "Y" in duplicate.

(c) *Academic.* The Professor of Naval Science shall recommend to the Chief of Naval Personnel the disenrollment of any NROTC student whose general academic record is such as to make his value as an officer in the Navy doubtful. Such recommendations shall be submitted on the NROTC Disenrollment Form and shall include a complete statement of the student's academic record to date with an estimate by the academic authorities of the student's academic performance and capabilities. This recommendation may be made at any time during the student's course. Any con-

siderable deficiency in the quality of a student's work in Naval Science courses will be considered grounds for such a recommendation, regardless of the quality of his other academic work.

(d) *Disciplinary.* The Professor of Naval Science may recommend for disenrollment any student from the NROTC for disciplinary reasons as specified in § 12.408 to be reported as above under paragraph (c) of this section.

(e) *Aptitude.* The Professor of Naval Science shall recommend to the Chief of Naval Personnel on the NROTC Disenrollment Form disenrollment of any student who has demonstrated at any stage of training such lack of officer aptitude as to make his further retention unjustified.

(f) *Withdrawal at student's request.* A Regular NROTC Student or a junior or senior Contract NROTC Student may withdraw at his own request only when such request is approved by the Professor of Naval Science and disenrollment is authorized by the Chief of Naval Personnel. Release at own request will be approved only under extraordinary circumstances.

(g) Withdrawal of a freshman or sophomore Contract Student or of a Naval Science Student may be authorized by the Professor of Naval Science.

(h) Students disenrolled for any of the above reasons before the end of an academic term, may be authorized by the Professor of Naval Science to complete the current term of Naval Science as Naval Science Students.

(i) In effecting disenrollments as in paragraphs (b) (c) (d) (e) and (f) of this section, the following procedures will be followed:

(1) If a junior or senior contract student, the Chief of Naval Personnel will review the case and approve or disapprove the recommendation for disenrollment. If approved, the date of disenrollment will be effective upon receipt of letter, or not later than ten (10) days after date of letter.

(2) If a regular student, the Chief of Naval Personnel will recommend to the Secretary of the Navy the disenrollment of student and request that appointment as midshipman be terminated. After approval by the Secretary, the letter of termination and discharge will be prepared by the Chief of Naval Personnel and appointment terminated ten (10) days after date of letter, unless prior delivery can be effected.

§ 12.308 *Transfer between NROTC institutions.* (a) A regular NROTC student may transfer from one NROTC institution to another if honorably released by the first institution and accepted by the second institution: *Provided*, That his transfer is approved by the Professors of Naval Science at both institutions and by the Bureau of Naval Personnel.

(b) A contract NROTC student may transfer from one NROTC institution to another under the conditions specified in paragraph (a) of this section. He must agree to continue his mutual contract with the Navy.

(c) A naval science student who transfers from one NROTC institution to another may be re-enrolled as a naval

science student provided he is recommended by the Professor of Naval Science of the institution from which transferred.

(d) The Professor of Naval Science of the institution from which such transfer is made shall forward a copy of the student's individual record, showing the Navy mark value of his college grades, as provided in § 12.507 (d)

§ 12.309 *Delay in completion of course.* In certain cases, because of institutional requirements for certain degrees, minor academic deficiencies, illness, or other legitimate reasons, it may become necessary to allow a student one or more additional semesters to enable him to qualify for his first baccalaureate degree. If recommended by the Professor of Naval Science and authorized by the Bureau of Naval Personnel, such additional time may be allowed. However, the total time during which the student may be retained in a regularly enrolled NROTC status may not exceed four years.

(a) Where it is necessary to extend the time for completion of degree requirements, the student may be placed in a leave status, without compensation or allowances, for such periods as are necessary to comply with the requirements of the program of studies as normally conducted by the institution. While in such leave status the student will not be eligible to receive compensation or benefits paid to, or in behalf of, NROTC students under instruction, nor will he be required to take any naval science courses.

(b) In the case of students who are regularly enrolled in college cooperative programs requiring alternate periods of employment in industry or business and normally requiring five years for the completion of a baccalaureate degree, leave status may be established during the periods in which a student is engaged in such employment and is not effectively in residence at the institution, or upon the completion of the fourth year of his academic program if he has remained in residence (on a part-time basis) throughout four years of the program.

(c) In the case of a five-year engineering student who chooses to receive his retainer pay and other benefits at the beginning of his first year in college, he will be placed in a leave status, without compensation, at the end of his fourth (senior) academic year in order that he may continue and complete his course leading toward this degree. While in such leave status he will not be eligible to receive the compensation or benefits paid to or in behalf of NROTC students under instruction, nor will he be required to take any Naval Science courses. Men in this category who are about to complete their fourth year of NROTC training should be reported to the Bureau of Naval Personnel by the Professor of Naval Science at the same time he reports the names of those who are about to be graduated and receive their commissions; i. e., 90 days in advance of the date of graduation. Upon the completion of his fifth academic year and the granting of the baccalaureate degree, he will be commissioned at the same time and in the same manner as other NROTC students who have completed a

normal four-year course and receive the baccalaureate degree at that time.

(d) In the case of a five-year engineering student who chooses to receive his retainer pay and other benefits at the beginning of his second year in college, he will be placed in a leave status, without compensation, during his first year in college and will be commissioned at the end of his fifth year, as in paragraph (c) of this section.

(e) Recommendation for commissioning and other administrative action pertinent thereto shall be forwarded at the same time and in the same manner as for NROTC students completing a four-year program, even though the student is in leave status at the time of such action, i. e. 90 days in advance of his date of graduation.

§ 12.310 *Transfer to flight training program.* NROTC graduates may, after commissioning, apply for flight training in a manner similar to graduates of the Naval Academy.

§ 12.311 *Commissioning procedure.* (a) Regular and contract NROTC students, upon successful completion of the prescribed Naval Science courses, and upon being granted their baccalaureate degrees, will be commissioned in the Navy or Naval Reserve or in the Marine Corps or Marine Corps Reserve, as appropriate, if recommended by the Professor of Naval Science and approved by the Secretary of the Navy. No student will be recommended for appointment until he has been carefully appraised by the Professor of Naval Science for officer-like qualities and general ability. Candidates need not submit individual applications for commission except as noted below.

(b) The Bureau of Naval Personnel will issue quotas each year for the Staff Corps and Marine Corps.

(c) The Professor of Naval Science shall forward direct to the Chief of Naval Personnel, to arrive ninety (90) days prior to graduation, a report, in letter form, recommending for commissions NROTC students who are about to graduate; and in addition the following, in duplicate, for each graduating student, USN or USNR candidate:

(1) Student's complete name, date of birth, file number, and student type (Midshipman, USNR, or Contract, NROTC, as the case may be) Indicate whether applicant is a candidate for Line, Staff Corps, or Marine Corps, and whether Regular Service or Reserve.

(2) Report of physical examination on NMS Form "Y" (§ 12.306 (e)) Attention is invited to Section 670 of Naval Courts and Boards, and Article 216 of the Manual of the Medical Department, U. S. Navy.

(3) Applicants for appointment to commissioned rank in the Navy or Marine Corps or the Naval or Marine Corps Reserve who have a claim pending for or who are drawing a pension disability allowance or disability compensation from the Government of the United States, are not eligible for appointment to commissioned rank in the Navy or Marine Corps or the Naval or Marine Corps Reserve, even though they may

have been found physically qualified by a Board of Medical Examiners and the Bureau of Medicine and Surgery for such appointment.

(d) If a student is a candidate for a Staff Corps (USN-USNR) or Marine Corps (USMC-USMCR) commission, the following information shall be included with paragraph (c) of this section:

(1) Request for Staff Corps commissions for those who so desire and have been nominated under quotas authorized.

(2) Application for commission in the Marine Corps for each Marine Corps candidate (§ 12.603 (c)).

(3) Transcript of student's educational record including a list of the courses in which enrolled for the current term. If it is impossible to forward a copy of the transcript 90 days prior to graduation, submit as soon as practicable thereafter (no duplicate required). Upon completion of the current term, final grades shall be forwarded, as soon as practicable, for inclusion in the officer's file. (Not required for Marine Corps candidates.)

(e) In all cases where Contract NROTC students desire appointment in regular rather than reserve status, as provided in §§ 12.301 (b) and 12.312 (b) the Professor of Naval Science will obtain and forward with his endorsement, along with the reports and applications specified in paragraphs (c) and (d) of this section, each student's request for such appointment, in duplicate. The student's request shall be in letter form, addressed to the Secretary of the Navy, via the Chief of Naval Personnel or the Commandant of the Marine Corps as appropriate, and shall specify the branch or corps in which appointment is desired and include an agreement to serve on active duty for a period of two years upon appointment. To be submitted only in accordance with existing instructions or specific directive. (See §§ 12.601 (c) and 12.603 (a)).

(f) The Professor of Naval Science is authorized and directed to withhold the commission of any student who fails to fulfill all of the requirements for graduation and commissioning. In every case where a commission is withheld, the Professor of Naval Science shall return the Commission to the Bureau of Naval Personnel with a letter of transmittal indicating the reason therefor, and making appropriate recommendations concerning extension of the time allowed for completion of the requirements, placing the student in leave status (§ 12.310) or disenrollment of the student.

(g) The Professor of Naval Science shall forward to the Chief of Naval Personnel, as soon after graduation as possible, a transcript of each student's academic record, with the exception of those already sent in for the staff corps applicants.

§ 12.312 *Commissioned status upon completion.* (a) Regular NROTC students, if in all respects qualified, are commissioned in the U. S. Navy or Marine Corps upon successful completion of the course. In accordance with their contract (see § 12.1002 (n)), regular NROTC students are required to serve as officers on active duty for at

least 15 months or, at the discretion of the Secretary of the Navy, 2 years unless previously released. They may volunteer to serve for three years. Officers may apply for retention in the Regular Navy or Marine Corps during their third year of service, and if selected will continue in the Navy or Marine Corps as career officers. Should they elect to terminate their active status, they will be commissioned in the Naval or Marine Corps Reserve and placed on inactive duty to remain in that status until their commissioned service totals a minimum of six years.

(b) Contract NROTC students may upon graduation, volunteer for two years of active duty. If accepted under current quotas, they will receive commissions in the Navy or Marine Corps, and will have the same options of service, including retention as regular officers, that regular NROTC students have. Otherwise, they will be commissioned in the Naval Reserve or Marine Corps Reserve and placed on inactive duty.

(c) Naval Science students will not be eligible for commissions under NROTC provisions but may be eligible under separate procurement procedures open to any college graduate. Directives covering such procurement will be issued separately when required.

§ 12.313 *Determination of precedence upon commissioning.* (a) All ensigns of the Navy and second lieutenants of the Marine Corps commissioned in accordance with Public Law 729, 79th Cong. (ch. 982, 60 Stat. 1057, as amended) are assigned as their date of rank the date of graduation at the Naval Academy in that year and are assigned precedence according to their demonstrated performance.

(b) In order to provide a basis for determination of precedence, as soon as practicable after each graduation, the Professor of Naval Science shall prepare and forward to the Bureau of Naval Personnel a graduation report. The content and form of this report will be prescribed by the Chief of Naval Personnel.

(c) In the period of service pending the determination of precedence of ensigns of the Navy and second lieutenants of the Marine Corps commissioned in any year, the following general rules will apply:

(1) Officers commissioned between 1 January and the date of graduation of midshipmen from the Naval Academy, both dates inclusive, shall have precedence among themselves in the order of alphabetical listing of names and shall be senior to the graduating class of the Academy and to officers commissioned later in the year.

(2) Officers commissioned upon graduation from the Naval Academy shall take precedence among themselves in accordance with their class standing upon graduation, and shall be senior to officers commissioned subsequent to the date of graduation from the Academy in the same calendar year.

(3) Officers commissioned between the day following the date of graduation of midshipmen from the Naval Academy and 31 December of the same year shall take precedence among themselves in the order of alphabetical listing of names and

shall be senior to officers commissioned in the ensuing year.

ADMINISTRATION

§ 12.401 *General policies.* (a) Supervision, control, and direction of the NROTC will be administered by the Navy Department through the Bureau of Naval Personnel, which is hereby given all necessary authority in the premises.

(b) The supervisory powers of the Bureau of Naval Personnel over the NROTC are delegated to the commandants of the naval districts in all matters except those which have been expressly reserved to the Navy Department and the Bureau of Naval Personnel in these and other regulations of the Navy Department.

(c) Civilian heads of institutions have the same academic relationship with the Department of Naval Science that they ordinarily have with other departments of the institution.

§ 12.402 *Communications.* All communications from the Professor of Naval Science to the Navy Department relative to the NROTC shall be directed to the Chief of Naval Personnel, unless otherwise specified. Information copies shall be sent to the Commandant of the Naval District (Director of Training)

§ 12.403 *Inspections.* The Commandant of the Naval District will inspect the NROTC units in his district in accordance with article 1484 (6) United States Navy Regulations, 1920. An inspection of this character should be made at least once each academic year.

§ 12.404 *Review of accomplishments.* Annual review of the efficiency of the NROTC program at each NROTC institution may be made by a committee appointed by the Secretary of the Navy, consisting of civilian educators and representatives of the Training Activity, Bureau of Naval Personnel, and Headquarters, U. S. Marine Corps.

§ 12.405 *Officer and enlisted personnel.* (a) The detailing of officers for duty with NROTC units and relief therefrom is a function of the Chief of Naval Personnel.

(b) The number of officers and enlisted men assigned to duty with NROTC units will be determined by the Bureau of Naval Personnel, based upon the exigencies of the naval service and the personnel requirements of the units.

(c) The Commandant of the Marine Corps will assign the authorized Marine Corps personnel for duty with NROTC units as provided in § 12.605.

(d) The institution will normally be notified by the Bureau before any change of officer personnel is made. Only personnel acceptable to the institution will be ordered thereto.

§ 12.406 *Head of Department of Naval Science.* (a) The head of the Department of Naval Science at an educational institution where a unit of the NROTC is established is the officer ordered as Professor of Naval Science by the Chief of Naval Personnel. He shall be the senior commissioned line officer of the Navy or Marine Corps ordered to duty with the NROTC unit at that institution. He shall be designated as the Professor of Naval Science. He shall be

considered the Commanding Officer of the NROTC unit in reference to all matters covered by articles 1482 and 1484, United States Navy Regulations, 1920.

(b) He will have the academic standing which the institution accords the heads of its other major departments. He will be a member of the university, college, or school faculty, with the appropriate rights and privileges of a faculty member.

(c) He is a subordinate, in his strictly military capacity, of the commandant of the naval district and is subject to his orders. Such orders will not infringe upon the province of institutional regulations. He is subject, in his academic capacity, to institutional regulations.

(d) He shall be responsible for carrying out policies relative to the administration of the NROTC in the unit under his command. He is responsible that the proper institutional authorities are advised as to the provisions of law and regulations in all matters affecting the conduct of the NROTC unit maintained by the institution.

§ 12.407 *Duties and status of additional officers and of enlisted men.* Officers and enlisted men ordered to report to the Professor of Naval Science at an educational institution for duty at that institution shall perform such duties as may be assigned them by the Professor of Naval Science.

In order that the maximum integration possible may be achieved between the Naval Science and other academic courses, it is desired that the officers assigned to the staff of the Professor of Naval Science be made members of the university or college faculty in appropriate ranks and be accorded the rights and privileges of faculty members. As such, it is desired that the Professor of Naval Science encourage the institutional authorities, when appropriate, to use these officers on special faculty committees in order that their services may be utilized in the same manner as are the services of all other faculty members. It is further desired that all NROTC staff members accept invitations which may be extended them to join special college or school faculties within the university and join faculty clubs or societies and faculty-student organizations.

§ 12.408 *Discipline.* (a) Officers on duty in connection with NROTC units shall require NROTC students to conduct themselves in a military manner at all times when the students are under naval jurisdiction, i. e., when attending Naval Science classes, drills, and exercises, and during summer training periods.

(b) Reserve midshipmen in uniform shall observe all the courtesies and traditions of the service.

(c) Students may be disenrolled from the NROTC for cause by the Professor of Naval Science as a disciplinary measure upon approval of the Chief of Naval Personnel. In such cases college authorities will be consulted and their recommendations given due weight. Such recommended disenrollments shall be reported on the NROTC Disenrollment Form.

§ 12.409 *Residence and uniform of officers and enlisted men.* Officers and enlisted men performing duties with NROTC units shall, when practicable, reside at or near the educational institution in which the unit to which they are assigned is established. In the performance of their duties they shall wear the uniform prescribed by the Professor of Naval Science, or senior naval officer present.

§ 12.410 *Conducting additional courses of instruction or taking courses of instruction offered by an institution.* (a) The primary academic duty of officers and enlisted men detailed to duty with an NROTC unit shall be that of administration and instruction. This shall not be considered, however, as prohibiting officers and enlisted men from conducting courses of instructions in other departments of the educational institution when the Professor of Naval Science considers this procedure advisable and conducive to closer liaison with the institution. In no case, however, will the teaching of an academic course be considered sufficient reason for modification of orders.

(b) Professors of Naval Science may pursue a course of instruction conducted by an educational institution upon approval of the Bureau of Naval Personnel. Professors of Naval Science may authorize officers and enlisted men under their command to pursue courses of instruction at institutions. Such authorization shall not in any way interfere with the proper discharge of Naval duties, which duties at all times shall be considered paramount.

(c) Enrollment in courses of study at the institution shall be subject to the regulations of the institution and with the consent of the authorities of the institution.

§ 12.411 *Navy Day observance.* The Professor of Naval Science shall cooperate insofar as possible with the district commandants and university authorities in the observance of Navy Day, in accordance with the instructions issued annually by the Navy Department.

TRAINING

§ 12.501 *General.* Training in the NROTC shall so supplement the academic courses of study given by an educational institution that, upon completion of the course in Naval Science, NROTC students will possess the following essential qualifications of a junior officer of the Navy or Marine Corps:

- (a) A good general education.
- (b) A general knowledge of essential Naval subjects.
- (c) A well-disciplined mind and body.
- (d) An alacrity to assume intelligent responsibility and initiative.
- (e) A well-developed sense of Naval ideals, customs, and traditions.

§ 12.502 *Credit for courses and toward a degree.* (a) The successful conduct of NROTC units depends in a large measure upon the granting of credit on the same basis, hour for hour, for practical and theoretical instruction in Naval Science as is given for laboratory and classroom work in other departments.

(b) When approved by the Professor of Naval Science, courses successfully completed as a student in the NROTC at another institution or as a student at the U. S. Naval Academy, the U. S. Military Academy, the U. S. Coast Guard Academy, the U. S. Merchant Marine Academy or the State Maritime Academies may be counted toward advanced standing in Naval Science without substantiating examination if such courses parallel the content of Naval Science courses and such credits are accepted by the Registrar or Examiner of the institution.

(c) Under the law, any enlisted man in the naval service or any male citizen who has had active military or naval service may be given such advanced standing as his previous education and training justify.

(d) Except as noted in paragraph (b) of this section, credit toward advanced standing in Naval Science courses will be given for active service in the Army, Navy or Marine Corps only when substantiating examinations, administered by the Professor of Naval Science, have been successfully completed. These examinations will cover the complete contents of the course involved; advanced standing for a portion of a course will not be allowed. Credit so established shall be in accordance with any rules of the institution governing acceptance of credits by examination.

§ 12.503 *Courses of instruction.* (a) Subjects and outlines of courses of study for the Department of Naval Science are prescribed by the Bureau of Naval Personnel.

(b) The Professor of Naval Science may approve the request of a student for the substitution of a college course for a similar Naval Science course. Any such substitution shall be reported to the Bureau of Naval Personnel and provision shall be made to give a special supplementary course in the purely naval subjects not covered by the college course.

(c) Each Professor of Naval Science shall prepare schedules of instruction and practice periods, based on the curricula prescribed by the Bureau of Naval Personnel and adapted to the time allowed the Department of Naval Science by the academic authorities of the institution.

§ 12.504 *Hours of instruction, requirements.* (a) Any course of study leading to a first baccalaureate degree is considered acceptable for an NROTC student to pursue. It is recommended, however, that the major selected be one that lends itself to helping the student become better prepared for the Navy. Examples of such majors are: The fields in engineering, mathematics, natural science, social science, English, commerce and administration, and foreign languages.

(b) NROTC students will be required to complete a total of not less than 24 semester hours of Naval Science courses by the end of eight college semesters or equivalent quarters of enrollment in the NROTC. Normally they will complete one Naval Science course each semester or quarter.

(c) In certain fields—for example, Engineering—at certain institutions first baccalaureate degrees regularly require

five years of academic (or combined academic and industrial) work. In such cases, the NROTC student who is a candidate for such a degree will be entitled to receive retainer pay and the other benefits of the program for not more than four years as specified in § 12.309 (c) and (d).

§ 12.505 *Aptitude for the service.* (a) Each NROTC student will be observed closely by the Professor of Naval Science and the officers of his staff, for those qualities considered most desirable in a young naval officer. The following factors should be particularly noted:

- (1) Conduct.
- (2) Leadership.
- (3) Interest.
- (4) Initiative and industry.
- (5) Cooperation.
- (6) Military bearing and neatness.
- (7) Performance of duty.
- (8) Military courtesy.

(b) Aptitude marks will be given in accordance with §§ 12.507 (e) and 12.602 (d) (6).

§ 12.506 *Practice cruises.* (a) To furnish NROTC students the opportunity to gain experience in the practical application of their studies in Naval Science, a practice cruise or training period is held each summer. For Regular students, these cruises and training periods are from 6 to 8 weeks in length. For Contract students, these cruises will be approximately three weeks in length.

(b) Each Regular NROTC student (§ 12.301 (a)) is required to make three such cruises or training periods. Normally a practice cruise is made between the freshman and sophomore years; an "Aviation Summer" training period is held between the sophomore and junior years; a second cruise is made between the junior and senior years.

(c) Each Contract NROTC student (§ 12.301 (b)) is required to make only one cruise, normally between the junior and senior years.

(d) Members of the NROTC while on cruises at government expense on board ships or at Naval Stations will be furnished medical and hospital treatment, subsistence and quarters, and transportation to and from their homes or units.

§ 12.507 *Marking, student records, and class standing.* (a) Marks in Naval Science subjects and in Aptitude for the Service shall be assigned on the basis of the Navy 0 to 4.0 scale.

(b) In reporting to the institution the grades earned by students in the Naval Science Courses, the Department of Naval Science shall employ the same system of marking used by other academic departments.

(c) The Department of Naval Science shall maintain individual records of the progress made by all midshipmen and NROTC contract students. For the purposes of uniformity in the keeping of naval records and in calculating class standing, all marks will be translated from the marking system used by the institution to the Navy 0 to 4.0 scale. In making this translation the Navy mark of 2.5 shall be considered to be the equivalent to the pass-fail standard in the institution's marking system, and the institution's passing grades will be as-

signed values between 2.5 and 4.0 consistent with the relative values of such grades as defined in the institution's system of marks. Similarly, failing grades will be assigned Navy scale values less than 2.5 consistent with the extent to which the institution's marking system provides marks indicating the degree of failure.

(d) When any NROTC student is transferred from one NROTC unit to another, the Professor of Naval Science shall forward a copy of the student's individual record to the Professor of Naval Science of the institution to which the transfer is made. In computing class standing for NROTC units, the Navy marks as determined by the Professor of Naval Science at the institution where the courses were taken shall be used, rather than a retranslation of the transcript grades.

(e) A mark in Aptitude for the Service shall be assigned to each NROTC midshipman at the end of each term and at the end of each summer cruise or training period. These Aptitude for the Service marks should be kept as clearly as possible ratings of "officer-like qualities" and should not be made a means of further penalizing or rewarding performance in academic or Naval Science courses.

(f) At the end of each academic year, or at the end of each quarter or semester if the Professor of Naval Science so desires, the class standing of each NROTC midshipman shall be calculated. For the computation of class standing the mark in Aptitude for the Service given for the summer cruise or training period shall be given equal weight with the average mark in aptitude for the academic year. The class standing will be determined by a final multiple in which the average of Aptitude for the Service marks to date will be given a weight of one, the average of marks in Naval Science courses taken to date a weight of four, and the average of marks in academic courses other than Naval Science taken to date a weight of four.

$S = A + 4N + 4G$, where

S is the number used in determining class standing;

A is the average of Aptitude for Service marks to date;

Battalion staff:

Battalion commander.....	NROTC Lieutenant commander.
Battalion subcommander.....	NROTC Lieutenant.
Battalion adjutant.....	NROTC Lieutenant (junior grade).
Battalion lieutenant.....	NROTC ensign.
Battalion chief petty officer.....	NROTC chief petty officer.

Color guard:

First petty officer.....	NROTC petty officer first class.
Second petty officer.....	NROTC petty officer second class.
Third petty officer.....	NROTC petty officer third class.
Fourth petty officer.....	NROTC petty officer fourth class.

Drum and Bugle Corps or Band:

Commander.....	NROTC Lieutenant (junior grade).
First petty officer.....	NROTC petty officer first class.
Second petty officer.....	NROTC petty officer second class.

Company organization (three companies):

Company commander.....	NROTC Lieutenant.
Commander, first platoon.....	NROTC Lieutenant (junior grade).
Commander, second platoon.....	NROTC ensign.
Commander, third platoon.....	NROTC ensign.
Company chief petty officer.....	NROTC chief petty officer.
Mustering petty officer, first platoon.....	NROTC petty officer first class.
Mustering petty officer, second platoon.....	NROTC petty officer second class.
Mustering petty officer, third platoon.....	NROTC petty officer second class.
Guide, first platoon.....	NROTC petty officer third class.
Guide, second platoon.....	NROTC petty officer third class.
Guide, third platoon.....	NROTC petty officer third class.
Squad leaders.....	NROTC petty officer fourth class.

N is the average per credit hour of Naval Science course marks to date, and
 G is the average per credit hour of academic course marks, other than Naval Science, to date.

(g) For the purpose of preparing the graduation reports required in § 12.313 (b) the G average will be computed on the basis of courses entered after 1 September 1946 only, the N average on the basis of all Naval Science course marks, and the A average on the basis of all Aptitude for the Service marks available.

§ 12.508 *Status-of-training reports.* Such reports of status of training in Departments of Naval Science shall be furnished heads of NROTC institutions as may be required by the rules of the institution for other departments.

§ 12.509 *Athletics.* NROTC members may participate in college athletics under the same terms and conditions that govern the participation of other students at the institution concerned.

§ 12.510 *Part-time jobs.* With the approval of the institution authorities and the Professor of Naval Science, NROTC members may engage in part-time jobs for pay.

§ 12.511 *Absence from instruction.* Absence of students from training or instruction in the Department of Naval Science shall be subject to the same rules which apply to absences from other academic classes at the institution concerned. An NROTC student who is absent for authorized reasons from any part of the practical or theoretical instruction shall be required, according to the practice obtaining at each institution, to make up the omitted training before being granted credits toward graduation.

§ 12.512 *Military organization.* (a) The NROTC unit, assuming normal strength of approximately 300, will be organized in general as follows:

- 1 battalion.
- 3 companies.
- Each company containing 3 platoons.
- Each platoon containing 3 or 4 squads.
- Each squad containing 8 men.

(b) NROTC student officers will be organized in general as follows:

MARINE CORPS

§ 12.601 *Enrollment in the Marine Corps Naval Science courses*—(a) *Qualifications for enrollment.* A regular or contract student in good standing may be enrolled in the Marine Corps Naval Science courses on a voluntary basis, provided his enrollment therein is recommended by the Marine Corps Officer Instructor and approved by the Professor of Naval Science.

(b) *Method of enrollment.* Students who desire to enroll in the Marine Corps Naval Science courses and to be considered candidates for commission in the Marine Corps or Marine Corps Reserve will be given the opportunity to submit a written application to the Professor of Naval Science, via the Marine Corps Officer Instructor after the completion of two years in the NROTC program. If the application is approved, the student will undergo instruction in Marine Corps Naval Science courses during the last part of the junior year and throughout the senior year. The Professor of Naval Science shall forward one (1) copy of the application with endorsements to the Bureau and one (1) copy to Headquarters Marine Corps. Professors of Naval Science shall inform each student who enrolls in the Marine Corps Naval Science courses that he is a candidate for commission in the Marine Corps or the Marine Corps Reserve.

(c) *Status of candidates.* Marine Corps candidates for commission will retain their status as NROTC Midshipmen and will wear the uniform and insignia specified for all NROTC members. Unless otherwise directed, they will be administered in the same manner as all other students.

(d) *Quota.* Sixteen and two-thirds percent (16⅔%) of the graduates of NROTC may be commissioned in the Marine Corps or the Marine Corps Reserve on a voluntary basis. Professors of Naval Science are authorized to enroll in Marine Corps Naval Science courses up to 16⅔% of the potential number of graduates of any class. In the event the number of applicants from a class exceeds 16⅔% of the potential graduates of that class, the Professor of Naval Science shall notify the Bureau of Naval Personnel. Permission will be given by the Bureau to individual units to enroll in Marine Corps Naval Science courses more than 16⅔% of the potential graduates of a given class, provided the total number of Marine Corps candidates in that class from the entire program does not exceed 16⅔%.

§ 12.602 *Training*—(a) *Marine Corps Naval Science courses.* Marine Corps candidates for commission are required to complete successfully a total of four years of Naval Science courses prior to graduation. During the last part of the junior year and the entire senior year in college they will undergo instruction in the Marine Corps courses in lieu of the Naval courses.

(b) *Laboratory periods.* Except for the laboratory periods devoted to battalion drills, or occasions deemed by the Professor of Naval Science to be of interest to all students of the unit, the

students pursuing the Marine Corps courses will be given separate instruction peculiar to the Marine Corps during the weekly drill periods.

(c) *Summer camp*—(1) *Regular students.* In lieu of attending the third practice cruise, between the junior and senior years, with the Navy, regular students will undergo a period of training at a Marine Corps camp. Unless otherwise directed by the Commandant of the Marine Corps, the summer training for regular students will be at Quantico, Virginia, of eight (8) weeks duration, and will commence in June of each year.

(2) *Contract students.* Contract students who are Marine Corps candidates for commission will undergo, between the junior and senior years, a period of summer training. Unless otherwise directed by the Commandant of the Marine Corps, this summer training period at Quantico, Virginia, will be of (3) weeks duration and will commence on the same date as the summer training period for regular students.

(d) *Administrative procedure for summer training.* (1) Marine Corps candidates are entitled to the same pay, quarters, subsistence, and transportation authorized for all other members of the program.

(2) The pay, traveling expenses, cost of subsistence and all other expenses of midshipmen and contract students while on training at a Marine Corps camp, and while traveling to and from such duty, is chargeable against the officer candidate training appropriation for the Navy.

(3) *Medical treatment.* (i) Both midshipmen and contract students, upon reporting for active duty, will receive a physical examination of sufficient extent for the Medical Examiners to determine that the individual is physically qualified to perform the duties assigned. To insure that their medical records are complete it will be necessary to make the following certification upon page H-8 in the Health Record of each individual:

Examined and found physically qualified for active training duty. Following defects noted _____

Signed _____

(ii) Just prior to completion of active training, a physical examination as necessary will be conducted, to determine whether their health has been adversely affected by such duty, and the below certification will be made following the one set forth above:

Examined and found physically qualified for release from active training duty. Following defects noted _____

Signed _____

(iii) If the certifications set forth above cannot be made, due to the physical condition of the examinee, Headquarters, U. S. Marine Corps will be immediately notified, and a full written report of the examinee's physical condition will be forwarded to the Chief, Bureau of Medicine and Surgery, via Headquarters, U. S. Marine Corps.

(iv) Midshipmen and contract students who have not been inoculated during the current year will receive all immunization required for men on active duty for training.

(v) Midshipmen will receive all medical care commensurate with their status as members of the U. S. Naval Service.

(vi) Contract students will receive medical care only for illness or injury contracted while on training duty. No dental or surgical treatment other than that of an emergency nature will be performed.

(4) *Discipline.* (i) Midshipmen are subject to all laws and regulations of the U. S. Naval Service.

(ii) Contract students, although not strictly members of the U. S. Naval Service, are expected, while on training duty, to abide by all laws and regulations of the Naval Service and of the Commanding General of the Marine Corps camp.

(iii) Breaches of discipline warranting disciplinary action will be reported to Headquarters, U. S. Marine Corps with full details, for decision as to disposition.

(5) *Clothing and equipment.* (i) The following articles of uniform will be issued by the Marine Corps for the duration of the summer training:

Bag, clothing.....	1
Belts, web, trousers, w/o buckle.....	2
Blanket, wool, green.....	1
Buckle, metal, trouser.....	1
Cap, utility.....	1
Coats, utility.....	2
Jacket, field, M1943.....	1
Leggings, canvas, khaki, pr.....	1
Poncho, camouflage.....	1
Shirts, khaki.....	3
Shoes, field, pr.....	1
Socks, wool, natural color, prs.....	6
Trousers, khaki, prs.....	3
Trousers, utility, prs.....	2

(ii) The following articles of individual equipment will be issued by the Marine Corps for use while on training duty:

Bayonet, M1.....	1
Scabbard, bayonet, M1.....	1
Rifle, cal. .30, M1.....	1
Belt, cartridge, cal. .30 rifle.....	1
Body, helmet, steel, M1.....	1
Liner, helmet, M1, complete w/headband and neckband.....	1
Canteen.....	1
Cover, canteen.....	1
Cup, canteen.....	1
Packet, first aid.....	1
Pouch, first aid.....	1
Can, meat w/cover.....	1
Fork, haversack.....	1
Knife, haversack.....	1
Spoon, haversack.....	1
Haversack, MCP, M1941.....	1
Knapsack, MCP M1941.....	1
Suspenders, belt, MCP M1941, pr.....	1
Pillowcase.....	1
Sheets.....	2
Mattress cover.....	1

(iii) Desirable articles of clothing, including, but not limited to the following, will be obtained by both regular and contract students prior to the summer training period and brought to the Marine Corps Training camp:

Belt.....	1
Cap, garrison, khaki.....	2
Trousers, khaki, prs.....	3
Handkerchiefs.....	8
Socks, prs., black.....	4
Shoes, prs., black.....	1
Shirts, khaki.....	3
Tie, black.....	1
Undershirts, white.....	6
Underdrawers, white.....	6
Raincoat—overcoat.....	1

Toilet articles, set.....	1
Towels, bath.....	4
Padlock.....	1
Suitcase.....	1
Appropriate uniform devices.....	

(iv) The Commandant of the Marine Corps is authorized to change the above clothing and equipment allowances as the conditions of summer training warrant.

(6) Reports; aptitude:

(i) A mark in "Aptitude for the Service" will be assigned each midshipman and contract student at the end of the summer training period. This mark will become a part of the permanent record of the student and will be used by the Professor of Naval Science in determining the final standing upon the completion of the four years of NROTC training. The mark will take into account the factors listed in § 12.505.

(ii) Aptitude cards, after being completed, will be forwarded by the reporting officer at summer camp directly to the Professor of Naval Science of the midshipman or contract student concerned. A copy of the aptitude card will be forwarded to the Office Performance Division, Headquarters, U. S. Marine Corps.

§ 12.603 *Appointment to commissioned rank—(a) Who may be commissioned.*

(1) The Marine Corps will commission in the regular Marine Corps qualified regular NROTC graduates who make application for such appointment and are recommended by the Professor of Naval Science.

(2) The Marine Corps will commission in the U. S. Marine Corps Reserve qualified contract NROTC graduates who make application for such appointment and are recommended by the Professor of Naval Science. Contract graduates who so desire may be commissioned in the regular Marine Corps provided they are recommended by the Professor of Naval Science and provided vacancies exist for newly-commissioned officers in the regular Marine Corps at the time of graduation; otherwise, they will be commissioned in the Marine Corps Reserve.

(3) The Marine Corps will commission qualified regular and contract graduates in accordance with the policy outlined in subparagraphs (1) and (2) of this paragraph, respectively, who have not taken the Marine Corps courses provided such candidates are eligible for appointment in the U. S. Navy or U. S. Naval Reserve and are within the assigned quota of 16½%.

(4) No graduate shall be commissioned in the Marine Corps or the Marine Corps Reserve except at his own request.

(b) *General requirements—(1) Age.* Be more than twenty (20) and not more than twenty-five (25) years of age on 1 July of the calendar year in which appointed. This maximum age limit does not apply to former NROTC and V-12 students who, on 1 May 1946, were members of these programs in good standing, and who were re-enrolled in the program during the academic year 1946-47. For these students the maximum age limit is specifically waived.

(2) *Physical qualifications.* (§ 12.306 (e).) All candidates must be physically qualified for appointment to commissioned rank in the U. S. Marine Corps or the Marine Corps Reserve, as appropriate, in accordance with the physical standards set forth in the Manual of the Medical Department, U. S. Navy. Requests for waivers for any physical defect for appointment to commissioned rank in the U. S. Marine Corps will not be approved. Requests for waivers for physical defects for appointment in the Marine Corps Reserve will be forwarded to the Commandant of the Marine Corps for final decision.

(3) *Agreement for service.* Regular and contract students are required to sign the same contract for service as required for candidates for commission in the U. S. Navy or the Naval Reserve.

(4) Completion of required Naval Science Courses and receipt of a baccalaureate degree.

(c) *Commissioning procedure—(1) Application.* Candidates for commission in the Marine Corps or the Marine Corps Reserve will make application for such commission to the Commandant of the Marine Corps via the Professor of Naval Science. No candidate will be commissioned unless he is recommended by the Professor of Naval Science and is qualified in all other respects. Application forms for commission will be furnished by Headquarters Marine Corps. The following documents are required as enclosures to all applications for commission:

(i) Birth certificate under seal of office of issue, except in those cases where such certificate is on file at the Bureau or Headquarters Marine Corps.

(ii) Report of physical examination in duplicate.

(iii) Medical Questionnaire (NavPers 943).

(iv) Recent passport size photographs, including front and profile view.

(v) Transcript of college credits.

Applications for commission must be submitted in time to reach Headquarters Marine Corps at least ninety (90) days but not more than one hundred and twenty (120) days prior to graduation.

(2) *Physical examination.* The physical examination will be conducted in accordance with § 12.306 (e).

§ 12.604 *Clothing—(a) Issuance of Navy clothing.* Marine Corps candidates for commission will be issued articles of clothing normally issued to all other NROTC students for duty at the NROTC Unit.

(b) *Issuance of Marine Corps clothing.* Prior to graduation and acceptance of appointments in the Marine Corps or Marine Corps Reserve, Marine Corps candidates will be issued gratuitously, from stock, the below listed items of uniform, as appropriate to the season when commissioned, regardless of any uniform gratuity received:

Cap, garrison summer.....	1
Jacket, service, khaki.....	1
Ornament, collar, bronze, pr.....	1
Ornament, collar, bronze, left.....	1
Scarfs, field, cotton, khaki, washable.....	3
Shirts, cotton, khaki.....	3
Shoes, MC last, low quarter, pr.....	1

Stocks, woolen, light-weight, dark brown, pr.....	2
Trousers, service, khaki, pr.....	2
or	
Cap, garrison, winter.....	1
Jacket, service, wool, green.....	1
Ornament, collar, bronze, pr.....	1
Ornament, collar, bronze, left.....	1
Scarfs, field, cotton, khaki, washable.....	2
Shirts, cotton, khaki.....	2
Shoes, MC last, low quarter, pr.....	1
Stocks, woolen light-weight, dark brown, pr.....	2
Trousers, service, wool, green, pr.....	1

Marine Officer Instructors will submit, at least thirty (30) days in advance of the time the clothing is required, requisitions for required clothing, via the Professor of Naval Science, to:

The Depot Quartermaster, Depot of Supplies,
1109 South Broad Street,
Philadelphia, Pennsylvania.

Requisitions should show the names of the individuals to whom the clothing is to be issued and specify sizes required. In the event any individual cannot be fitted from stock sizes listed in Marine Corps Order 211, a special clothing requisition form NMC-912-QM will be prepared covering the articles which cannot be supplied from stock. All requisitions submitted pursuant hereto will make reference to this Article. Upon receipt of the clothing from the Depot Quartermaster, it will be issued to the individuals concerned in order to permit sufficient time prior to graduation for any required alterations.

§ 12.605 *Marine Corps personnel assignment.* As determined by the Commandant of the Marine Corps and the Chief of Naval Personnel, the following Marine Corps personnel will be assigned to the Naval ROTC program:

(a) Marine Corps Officer Instructors (Major or below): one per unit.

(b) Staff non-commissioned officers: one per unit.

(c) Executive Officers (Lieutenant Colonel) four in program.

(d) Professors of Naval Science (Colonel): two in program.

Maison will be performed between Headquarters Marine Corps and the Naval ROTC Units by an officer of the Marine Corps.

PAY AND ALLOWANCES

§ 12.701 *Retainer pay—(a) Rate of pay.* Each Regular NROTC student will receive retainer pay at the rate of \$600 per year, except while on active duty, for a maximum of four academic years while under instruction and during authorized leave periods. The academic year for pay purposes includes the entire time ordinarily from September to September when the student is passing through the various college grades, freshman, sophomore, junior, and senior. Students who are absent due to illness or injury may be paid retainer pay covering such absence not to exceed 30 days during each continuous period of hospitalization. Payment of retainer pay will be resumed upon their return and resumption of studies. In certain cases,

as specified in §§ 12.309 and 12.504 (c), it may become necessary to allow a student one or more additional semesters to enable him to qualify for a first baccalaureate degree. However, as specified by law, the maximum period for the payment of such retainer pay and the educational benefits specified in § 12.707, is four years.

(b) *Pay record*—(1) *Custody*. Except as hereinafter prescribed, the retainer Navy Pay Record (S. and A. Form 500) of a Naval Reserve Officers' Training Corps regular student will be in the custody of and maintained by the Navy accounts disbursing officer or district disbursing officer of the naval district in which the student is attending college.

(2) *Opening and closing*. A Navy pay record will be opened for each regular student from the date of execution of acceptance and Oath of Office (NavPers Form 901). Retainer pay records will be regularly closed on 30 June and a new pay record opened as of 1 July of each year. Retainer pay records will also be opened and closed at the times specified in BuSandA Manual.

(3) *Termination of retainer pay*. Entitlement to retainer pay will terminate on the date indicated in the termination of appointment as midshipman approved by the Secretary of the Navy.

(c) *Substantiating vouchers*—(1) *Commencement of retainer pay*. Retainer pay accrues from and includes the date of execution of acceptance and oath of office. Properly executed Acceptance and Oath of Office (NavPers Form 901) and certificate concerning disability and pension specified in Art. H-7306, Bureau of Naval Personnel Manual, will be submitted as pay record vouchers to substantiate commencement of retainer pay as midshipman of the Naval Reserve.

(2) *Termination of retainer pay*. Pending receipt of approved termination of appointment, a Student Disenrollment Report (NavPers Form 364) will be used as a basis for suspending retainer pay of a midshipman of the Naval Reserve who has been recommended for disenrollment for any reason. Upon receipt of termination of appointment approved by the Secretary of the Navy, retainer pay will be terminated as of the date stated therein and a copy of the termination will be filed as a pay record voucher.

(d) *Procedure for payment*. Naval Reserve Officers' Training Corps regular students will be paid retainer pay to which entitled by check drawn as of the last day of each month. Checks will be forwarded to the professor of naval science for delivery to the student.

§ 12.702 *Active duty pay*—(a) *Regular students*—(1) *Rate of pay*. Regular Naval Reserve Officers' Training Corps students while on active duty are entitled to the same rate of pay as prescribed for midshipmen at the Naval Academy. Active duty pay is also allowed for days when such personnel are in a travel status under orders to or from such duty. Additional pay for sea and foreign service duty is not authorized.

(2) *Pay record maintenance*. Navy Pay Records (S. and A. Form 500) will be maintained for regular Naval Reserve

Officers Training Corps students during the summer cruise or training period in accordance with existing instructions in S & A Manual.

(b) *Contract students*—(1) *Rate of pay*. Naval Reserve Officers' Training Corps contract students who are members of the advance course, senior division, i. e., juniors and seniors, or other persons authorized by the Secretary of the Navy, will be paid at the rate prescribed for men of the seventh pay grade while embarked in a naval vessel for a practice cruise or during a summer training period. They are not entitled to additions to pay or allowances, including sea and foreign service duty pay, authorized for enlisted men of the Navy. The day of reporting and the day of detachment from the ship or station are both included in the period for which students are paid.

(2) *Opening and closing pay record*. Navy pay records will be opened by the disbursing officer of the cruise ship or shore station in accordance with existing instructions in the Bureau of Supplies and Accounts Manual.

(c) *Payments*. Payments will be made to regular and contract students on a summer cruise (or training period) as directed by the commanding officer of the cruise ship or station. On completion of the summer cruise, Naval Reserve Officers' Training Corps contract students will be paid in full to include date of detachment. Checks will be drawn for those students not present for final payment and such checks delivered to the professor of naval science for further delivery to the students concerned.

§ 12.703 *Subsistence allowances; contract students*—(a) *Commencement of entitlement*. During their junior and senior years of college, contract Naval Reserve Officers' Training Corps students are entitled to commutation of subsistence as established at a rate not to exceed that prescribed by the Secretary of the Navy by law for a commuted ration of the Navy, except that commutation of subsistence will not be allowed for periods when subsistence in kind is furnished or when the student is paid a travel allowance in lieu of transportation and subsistence. Commutation of subsistence will be paid from and including the date a student begins his final two years of Naval Reserve Officers' Training Corps training or portion thereof, if the student is re-enrolled or enrolled after completing more than two academic years of college work, commencing on the first day of the academic term. Commutation of subsistence will not be allowed for any period in excess of two academic years plus one intervening summer vacation.

(b) *Termination of entitlement*—(1) *Students exempted from cruise*. In the case of students exempted by the Bureau of Naval Personnel from taking the cruise during the summer immediately following completion of the third year, no payments shall be made during the interval between the date of completion of the third year's scholastic work and the date of commencement of the fourth year's work.

(2) *Students not exempted from cruise*. In the case of students not exempted by the Bureau of Naval Personnel who fail to take the cruise during the summer immediately following completion of the third year, no payments shall be made after the date of completion of the third year's academic work. Payment may be resumed at the beginning of the next academic year if on recommendation by the professor of naval science, the Bureau of Naval Personnel accepts a delayed request to defer the cruise until the end of the senior year.

(3) *Unsatisfactory students*. Payment of commutation may be withheld in the case of students when the professor of naval science for any reason considers unsatisfactory in naval science for one month. If during the following month they become satisfactory, they may then be certified for two months commutation. If, however, they remain unsatisfactory for the second consecutive month of the same term or semester, payment of commutation may be permanently withheld for the balance of the current semester.

(4) *Absence due to illness*. Students who are absent due to illness or injury may be paid commutation covering such absence for a period not to exceed 30 days during each continuous period of hospitalization. Payment for such absence will not be made until the student's return and resumption of instruction.

(5) *Other absence*. In the case of students who are absent from instruction in Naval Science for causes other than set forth in subparagraph (4) of this paragraph, payment of commutation will be made for seven days commencing with and including the first day of absence, after which no commutation will be paid. If such absence is caused by separation from college, payment of commutation will cease from the first day of absence.

(6) *Disenrolled students*. When a student is disenrolled from the Naval Reserve Officers' Training Corps for any reason, payment of commutation will cease as of the date of disenrollment.

(c) *Commutation of subsistence certificates*—(1) *Normal submission*. Commutation of Subsistence Certificates (NavPers Form 384) will be prepared and certified by the Professor of Naval Science on the last day of each month of the academic year and forwarded in quintuplicate to the Navy accounts disbursing office or district disbursing office of the naval district in which the college or university is located. For the last month of the academic year, certificates will be prepared to cover the period actually in attendance and under the supervision of the Professor of Naval Science concerned.

(2) *Submission for students on cruise*. For students taking the cruise certificates shall be prepared for the signature of the Commander Midshipmen Cruise Detachment by each Professor of Naval Science concerned to cover the period between the end of the scholastic year and dates on which subsistence at government expense begins, and forwarded to the Commander Midshipmen Cruise Detachment. The Commander Midshipmen Cruise Detachment will delete the names of those

midshipmen, if any, who do not embark on the cruise, and will enter the total amount to be paid on each Form NavPers 384, and will submit the form to the designated Disbursing Officer of the cruise ships for payment. Subsequent to payment the Commander Midshipmen Cruise Detachment will return a copy of the form, NavPers 384, to each Professor of Naval Science to fully inform him of the midshipmen who received payment from his Unit.

The student will be entitled to commutation of subsistence to include the day of embarkation if he embarks after breakfast but not for the day of disembarkation if he disembarks after breakfast. Attention is invited to the fact that students are furnished subsistence while en route to and from ships or paid travel allowance not to exceed \$0.05 per mile in lieu of transportation and subsistence. The time spent in such travel should therefore not be included in the commutation certificates. No further payments of commutation will then be made until the students have entered on the fourth year of their Naval Reserve Officers' Training Corps course when certificates will be prepared to cover the portion of the summer vacation subsequent to the cruise, or at the election of the Professor of Naval Science concerned, that portion of the vacation period may be included in the certificate for the first month of the new academic year.

(d) *Payment of commutation of subsistence.* Payment of commutation of subsistence will be made by the Navy accounts disbursing officer or the district disbursing officer of the naval district in which the college or university is located. Checks will be made payable to the order of the individual students and forwarded to the Professors of Naval Science for delivery. Payment will be reported on Subsistence Roll (NavPers Form 384). The first subsistence roll will be supported by Contract for Contract Student (NavPers Form 918) and each subsistence roll submitted thereafter will bear reference to the roll with which the contracts were filed.

§ 12.704 *Subsistence in kind.* All members of the NROTC shall be furnished subsistence in kind while embarked in a naval vessel for a practice cruise or while undergoing summer training ashore.

§ 12.705 *National Service Life Insurance.* Provided a National Service Life Insurance policy is already in effect, Naval Reserve Officers' Training Corps regular students, while under instruc-

tion in the college training program, may register allotments for the payment of premiums on National Service Life Insurance. No other allotments are authorized.

§ 12.706 *Travel allowances.*—(a) *Regular students.* Each regular student performing initial travel to college is entitled to the same rights and benefits as are now or hereafter provided by law for midshipmen of the United States Naval Academy when traveling under orders from his home to the Naval Academy, or upon discharge.

(1) *Initial travel.* A candidate for appointment as a regular Naval Reserve Officers' Training Corps student will, after enrollment and execution of Acceptance and Oath of Office (NavPers Form 901) be entitled to reimbursement for travel performed by the shortest usually traveled route for the distance from his home of record to the college in which matriculated. Reimbursement at the rate of \$0.05 per mile will be made on mileage voucher (Standard Form 1071) which will be supported by a copy of acceptance and oath of office and a certified copy of authorization, to perform initial travel bearing the endorsement of the Professor of Naval Science showing the student's home address and a statement to the effect that the student is a bona fide enrolled member of the Naval Reserve Officers' Training Corps unit.

(2) *Discharge.* Upon discharge a midshipman will be entitled to transportation in kind and subsistence from the college in which matriculated to his home of record at the time of initial enrollment in the College Training Program, except that no travel expenses are authorized if the student continues his scholastic instruction at other than government expense in the same college or university in which matriculated.

(3) *Termination of appointment.* In the case of voluntary resignation or revocation of appointment, no travel expenses are authorized.

(4) *Travel under orders.* Regular Naval Reserve Officers' Training Corps students, when traveling under orders, will be entitled to actual expenses or per diem if specifically stated in orders, in the same manner as prescribed for midshipmen at the Naval Academy. In all cases, reimbursement vouchers will be supported by copies of orders bearing all endorsements. Professors of Naval Science will designate the points from which students are authorized to proceed for the summer cruise and for the return travel thereto.

(b) *Contract students.* Contract students making the annual summer cruise will be furnished the same transportation and subsistence in kind as that authorized for enlisted personnel of the seventh pay grade to and from ports of embarkation designated by the Bureau of Naval Personnel. Professors of Naval Science will designate the points from which students are authorized to proceed for the summer cruise. In lieu of furnishing contract Naval Reserve Officers' Training Corps students with transportation and subsistence in kind, they may be paid a travel allowance at the rate of \$0.05 per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the ports of embarkation and for the return travel thereto. Travel allowance to the port of embarkation will be paid on completion of travel. However, travel allowance for the return journey will be paid in advance of actual performance of travel. Therefore, such payments will be made by the disbursing officer of the cruise ship or by a disbursing officer ashore specifically designated by the commandant of the appropriate Naval District. Arrangements for the above payments should be completed well in advance of the arrival and departure of students. Payment of travel allowances authorized herein will be made on Standard Form 1071, substantiated by copies of authorizations to proceed, properly endorsed to show dates of commencement and completion of travel, and a certificate of the Professor of Naval Science that the student is a bona fide enrolled member of the Naval Reserve Officers' Training Corps Unit.

§ 12.707 *Educational expenses.* The Secretary of the Navy is authorized by law to provide, by contract or otherwise, for the payment of tuition, fees, books, and laboratory expenses of Regular NROTC Students for a maximum period of four years while under instruction at the NROTC institution or during summer training periods. The manner of contracting will be the subject of a detailed directive from the Chief of Naval Personnel. Payment of delinquent fees assessed by the institution for failure to comply with institution requirements will not be paid by the Government.

UNIFORM AND REGIMENT

§ 12.801 *Authorized uniforms.* The uniform regulations for Naval ROTC midshipmen are contained in U. S. Navy Uniform Regulations, 1947. For ready reference the designation-of-uniform table is published below:

Uniform	Coat	Belt	Trousers	Cap cover	Shirt	Necktie	Shoes	Socks	Gloves	Emblems
Service dress:										
Blue, A	Blue	Black	Blue	Blue	White	Black	Black	Black	Gray ¹	Yes
Blue, B	do	do	do	White	do	do	do	do	do	Yes
Blue, C	do	White	White ²	do	do	do	White	White	White ²	Yes
Working:										
Blue, A ⁴		Black	Blue	Blue	Blue	do	Black	Black		
Blue, B ⁴		Gr	do	White	do	do	do	do		
Khaki		Khaki	Khaki	Khaki ⁵	Khaki	do	do	do		
White		White	White ⁴	White hat ⁵	White jumper	Black rocker ⁶	do	do		
Jersey ¹										
Raincoat ²										

¹ Optional.

² Officer style.

³ If prescribed.

⁴ Leggings shall be worn.

⁵ Khaki garrison cap may be worn unless the combination cap is prescribed.

⁶ Midshipman style.

⁷ Midshipman style.

⁸ May be worn when weather conditions warrant and may be purchased by competent authority.

Dungarees. Dungarees will consist of blue denim trousers, blue chambray shirt, black socks, black shoes, and white midshipman type hat.

§ 12.802 *Issue of uniform.* (a) An outfit of essential uniforms will be furnished to each NROTC midshipman after his enrollment and will remain his property. The initial uniform will be issued to new enrollees on a gratuitous basis as follows:

Caps, garrison, khaki, with insignia.....	2
Cap, combination, with NROTC cap device and chin strap.....	1
Cap Cover, blue.....	1
Cap Covers, khaki.....	2
Cap Covers, white.....	2
Cap Cover, rain.....	1
Gloves, white, pair.....	1
Hats, white, midshipman type, with blue rim.....	3
Corps device, metal pin-on, set.....	2
Jersey, blue, woolen.....	1
Jumpers, (undress, white).....	4
Leggins (pair).....	1
Neckerchief.....	1
Raincoat.....	1
Shirts, blue, chambray.....	3
Shirts, blue, flannel.....	2
Shirts, khaki.....	3
Belt, khaki web.....	1
Belt, white web.....	1
Tie, black, four-in-hand.....	1
Trousers, dungaree.....	3
Trousers, khaki.....	3
Trousers, white, enlisted style.....	4
Trousers, white, officer style.....	2
Uniform, blue, midshipman, with insignia.....	1

(b) At the beginning of the senior year, each NROTC midshipman will be issued a second blue uniform to remain his property.

(c) NROTC members will furnish at their own expense necessary socks, white shirts, leather belts, shoes, and underwear as these items are normal items for civilian wear. Paragraph 42306-5 of the Bureau of Supplies and Accounts Manual provides for Clothing and Small Stores to be sold to NROTC students. Where Clothing and Small Stores are in the vicinity of NROTC schools, purchases should be made in person whenever possible. Money orders for Clothing and Small Stores may be sent to the nearest activity having a retail issuing unit for clothing and small stores. Purchase of shoes by mail, is not considered practicable due to frequent misfits.

(d) Leggings, white gloves, and black four-in-hand ties may be replaced as they become unfit for use because of wear.

(e) The above clothing list shall not be construed as prohibiting students from obtaining additional articles of regulation clothing at their own expense.

(f) Professors of Naval Science of the NROTC schools shall requisition all items of clothing from the Supply Officer-in-Command, Naval Supply Depot, Great Lakes, Ill.

§ 12.803 *Wearing the uniform.* The uniform will be worn on such occasions as prescribed by the Professor of Naval Science or the Senior Officer present. Normally, this will be at drills, ceremonies, and on cruises.

FACILITIES, SUPPLIES, AND EQUIPMENT

§ 12.901 *Facilities.* The proper and efficient operation of an NROTC unit of

standard size (250-300 men) requires certain physical spaces and facilities which can be summarized as follows:

(a) Classrooms (5) three of which have a normal capacity of 35 students; one of which has a normal capacity of 50 students; one of which, with a capacity of 25 students, contains a minimum floor area of 1000 square feet for use as a navigation workroom.

(b) Offices (8) seven of which contain a minimum floor area of 200 square feet each; one of which contains a minimum floor area of 300 square feet.

(c) Clothing and text book storage and issue space: one room having a minimum floor area of 1000 square feet, and possessing two entrances.

(d) Armory a heavy reinforced floor area of approximately 4000 square feet, on which will be placed heavy ordnance equipment, permanent installations. This area should have at least a twenty foot ceiling clearance, and flooring capable of carrying a load of 1000 pounds per square foot.

(e) Auditorium of adequate size for assembly of the entire Unit, available for use at various times. Usage of this auditorium will be determined in advance in keeping with the standard procedure in effect at the institution.

(f) Drill field: any readily accessible, level, grass-covered unobstructed area, with a minimum size of 8000 square yards.

(g) Swimming pool, available for Naval student personnel.

NROTC institutions are expected to provide the facilities specified or comparable and adequate substitutes in the same manner that facilities are provided for other academic departments.

(h) Secretary The institution also normally provides a full-time civilian secretary to assist the Professor of Naval Science in connection with his duties as head of a major academic department.

§ 12.902 *Protection of Naval property—(a) Custodian.* The Professor of Naval Science will be the custodian of all Naval property. Issuance of and accounting for this property will be in accordance with standard Navy practice.

(b) *Care and safekeeping of equipment.* The Professor of Naval Science is responsible for the care and safekeeping of all equipment which has been issued to him and for seeing that proper precautions are taken to prevent the equipment from being improperly used and from falling into the hands of irresponsible persons.

(c) *Responsibility of the institution.* The institution is expected to take the same precautions and to provide the same safeguards for the protection of Naval property as it does for the protection of its own property. The Professor of Naval Science will report to the proper authorities of the institution, in writing, any facts, circumstances, or conditions which he believes to be prejudicial to the proper protection of Naval property against loss through fire, flood, theft, tornado, or other similar causes. In the event that proper attention is not paid to such communication, report will be made to the Bureau of Naval Personnel via the Commandant.

(d) *Report of inspector on protective measures.* Inspectors visiting NROTC units will include within the purview of their inspections the precautions taken by institutions, their servants and employees, to protect Government property from loss, destruction, or damage by fire, flood, theft, tornado, or other similar causes. In each such inspection, the inspector will submit a report to the Bureau of Naval Personnel via the Commandant stating whether or not every reasonable precaution is being observed. If an unfavorable report is submitted, the defects will be stated in detail and a copy will be furnished to the head of the institution concerned. Access to all previous reports on Government property protection will be given the surveying officers.

(c) *Fire insurance.* An institution is not required to carry fire insurance.

§ 12.903 *Allowance list.* A standard allowance list has been established for NROTC units.

§ 12.904 *Allotments.* (a) The Bureau of Naval Personnel is assigned cognizance of the preparation of estimates and administration of funds that maintain the NROTC Program. Allotments are made to the District Commandant for the operation of units within the district. The Commandant requisitions services, equipment, material and supplies required by the unit and not supplied by the institution or by the Bureau without charge to the Commandant's NROTC allotment. Charges are made by the Commandant against the allotted funds.

(b) Estimates of annual allotments needed by each unit are to be submitted by each Commandant as called for by the Bureau of Naval Personnel.

The official accounting and financial reports to the Bureau of Naval Personnel in connection with allotments are the responsibility of the District Commandant.

§ 12.905 *Procurement of material, supplies, and equipment.* Items which are not supplied by the institution can be procured by one of four methods; through the Navy Department, without charge to the District Commandant's NROTC allotment; through the Commandant and chargeable to his NROTC allotment; through the Commandant and chargeable to his allotment to the District Communication Officer, under the heading "Miscellaneous Expenses, Navy"; and from the institution, without charge to the Navy.

(a) *Navy Department procurement.* (Without charge to the Commandant's NROTC allotment.)

(1) Items of a technical nature with a limited use are generally supplied by one of the Bureaus at no charge against the allotment granted the District Commandant for the unit. Such items are obtained by letter request to the cognizant Bureau via the Commandant and the Chief of Naval Personnel. In addition to the items listed in Art. 23028 Bureau of Supplies and Accounts Manual, the following items may be procured by letter request:

Publications.
Manuals.
Catalogs.
Training courses for rates.
Special types of equipment.

(2) Naval Science books, supplies, equipment, and all other miscellaneous items necessary for the conduct of the NROTC will be furnished by the Government. Such of the items mentioned above furnished to NROTC students at the expense of the Government, will upon graduation, withdrawal, or disenrollment of students from the unit, be reclaimed at the earliest possible date by the Professor of Naval Science.

(3) Books paid for by the Government, other than those used in Naval Science courses, will become property of the NROTC student.

(4) Cruise equipment: Seabags will be maintained and stored at NROTC schools. Replenishment will be requisitioned from the Naval Supply Depot, Great Lakes, Ill. Mattress covers and blankets will be loaned from Naval Reserve (Inactive) stocks to NROTC cruises and will be supplied at ports of embarkation and will be turned in at ports of debarkation. The Supply Officer of the station at the port of debarkation will request disposition instructions from the Bureau of Supplies and Accounts.

(5) Cruise laundry. The cost of cleaning and laundering of midshipman uniforms and clothing is paid by the Navy. The Commanding Officer of the cruise ship may submit a requisition to the Bureau of Naval Personnel for approval covering such items supplied by the ship's laundry as soap, starch, etc. The cost will be charged against the Bureau appropriation maintaining the NROTC.

(6) Paper targets can be obtained by letter request direct to the nearest of the following two agencies:

Naval Supply Depot, Oakland, Calif.
Naval Supply Depot, Norfolk, Va.

(b) *District procurement.* (Chargeable to the Commandant's NROTC allotment.)

(1) *Annual requirements.* For recurring items of expense, such as laundry, garage rental, and other services and supply, the Professor of Naval Science should estimate his requirements for each new fiscal year and request the Commandant by letter that requisitions be written to cover the procurement of such items. The letter of request should give an accurate and detailed description of the goods or services required, estimated prices, names of bidders and a recommendation as to a supplier if one is considered particularly advantageous. Such requests should reach the Commandant by May 1.

(i) The requisition after approval by the Bureau of Naval Personnel will be forwarded by the Bureau of Supplies and Accounts to the proper purchasing activity.

(ii) When a contract has been made, the Professor of Naval Science is authorized to order delivery (DCO Form 140) on the contract as he deems desirable or necessary within such limitations as may be prescribed by the Commandant.

(iii) Invoices for such items will be certified by the Professor of Naval

Science as to receipt and sent to the designated Disbursing Officer for payment. No stub requisition is necessary, nor is a letter of transmittal.

(2) *Office supplies.* Office supplies are to be obtained by issue from regular standard stock.

(3) *Special purchases.* The Commandant will arrange for the Professor of Naval Science to make so-called businessmen's purchases. The mechanism for such purchases is a so-called "annual-purchase requisition." The Commandant will indicate by what method and by whom such purchases can be made. The limiting amount both for total and individual purchases will be established annually by the Chief of Naval Personnel.

(4) *Non-recurring items.* Requests for supplies or services not covered by annual requisition will be submitted to the Commandant in such manner as he may prescribe. Instructions governing the method of requesting such items will be furnished by the District Director of Training.

(c) *District procurement.* (Chargeable to other than NROTC allotment.) Communication services will be arranged for with the District Communication Officer as a charge against the appropriation "Miscellaneous Expenses, Navy"

(d) *PNS procurement.* (Not chargeable to Naval Allotments.) Printing: Requests for printing should be made to the institution. Paper and envelopes will be supplied by the Commandant.

§ 12.908 *Transportation of supplies and equipment.*—(a) *Cost.* The cost of transporting supplies and equipment from place of issue to the several institutions, will be borne by the Government and is chargeable to "Transportation of Things, Navy"

(b) *Drayage.* (1) When notice is received by an institution that Government property has been shipped to such institution for the Professor of Naval Science, arrangements should be made for the necessary drayage services at destination. If the institution has drayage facilities, such facilities should invariably be used. If the institution has no drayage facilities and drayage equipment is available at a Government activity in the vicinity, a formal request should be submitted to the officer in charge of the Government activity for the use of such equipment. If drayage services must be performed by commercial concerns, the cost should be ascertained from all local draymen in position to furnish the necessary services in a satisfactory manner, and arrangements should be made through the District Supply Officer with the firm quoting the lowest rate for drayage required.

(2) All drayage bills should be submitted to the District Supply Officer and should contain reference to the bill of lading under which the shipment moved, giving the number, date, and place of issue thereof. The bills for drayage should contain the following certificate properly signed by the firm performing the service: "Certified correct and just, payment not received." The Professor of Naval Science receiving shipment should approve the drayage bill, making com-

ment thereon as to the reasonableness of the charge and forward same to the D. S. O. for payment in accordance with Part I, Navy Shipping Guide.

§ 12.907 *Accounting for supplies and equipment.* (a) Transfers of consumable supplies and equipment to a unit of the Naval Reserve Officers' Training Corps will be invoiced to the designated accountable activity of the headquarters of the district in which the unit is located, as a transfer between supply officers.

(b) Issues of consumable supplies to units of the Naval Reserve Officers' Training Corps will be charged by the designated accountable activity to the appropriate expenditure account and to the accounting number of the district headquarters in which the unit is located.

(c) Issues of equipment to units of the Naval Reserve Officers' Training Corps will be charged by the designated accountable activity to the appropriate expenditure account and to the accounting number of the district headquarters in which the unit is located. The value of this equipment will be carried on the plant account records of the designated accountable activity.

(d) Upon receipt of property covered by a shipment order, the yellow copy of the shipment order which is mailed by the Bureau of Supplies and Accounts to the consignee, will be completed and immediately forwarded to the accountable activity for the headquarters of the district in which the unit is located.

(e) When equipment or expendable supplies are received accompanied by invoices, the material will be checked and a certificate of receipt placed on the original and one copy of the invoice by the Professor of Naval Science, showing the date the material was received. The original and copies of such invoices will be immediately forwarded to the accountable activity for the headquarters of the district in which the unit is located. The accountable activity for the headquarters of the district in which the unit is located will be immediately informed by letter, giving as much identifying information as possible, of all material received without invoices.

§ 12.903 *Inventory.*—(a) *Plant property.* Physical inventories of plant property will be conducted every two years between February 1 and May 1, or when otherwise directed by the Bureau of Supplies and Accounts. The officer carrying the plant account of the Naval Reserve Officers' Training Corps unit will be responsible, under the district commandant, for coordinating, supervising and instituting of local procedures to insure the complete and accurate physical inventorying of the plant property of the unit.

(b) *Books.* On January 1 and June 30 of each year, a semiannual inventory of books will be submitted on form NavPers 381, showing the books actually on hand on that date. All columns of the above report will be filled, and will be signed by the Professor of Naval Science.

(1) The Professor of Naval Science shall take every reasonable precaution to have all NROTC students return govern-

ment-owned books which they have borrowed.

(2) All books, property of the NROTC unit, will be stamped on both covers and upon certain pages of the books, indicating that they are Government Property. Rubber stamps are provided for this purpose.

§ 12.909 *Return of government property.* When property is to be returned to the Government, shipping instructions will be issued by the District Supply Officer upon receipt of request from the Professor of Naval Science.

§ 12.910 *Surveys.* (a) Attention is invited to chapter 49, section 3, articles 1906-1918, United States Navy Regulations, 1920, covering the survey of Government-owned material. Government property, equipment, worn out or damaged by fair wear and tear, incident to the use of the property in naval instruction prescribed or authorized by the Secretary of the Navy, will be replaced at the expense of the United States. The original and two copies of the approved survey will be forwarded to the Bureau of Naval Personnel. In the event the survey report designates the unserviceable property to be shipped to a Naval Shipyard or Naval Station for salvage or repair, shipment of such material, where transportation is involved, will be made on Government bills of lading and in accordance with instructions issued by the Bureau of Supplies and Accounts. Surveyed material will be held on the records of the unit until copy of invoice covering the material is received from the consignee.

(b) Property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes will be replaced at the expense of the United States. A survey will be held as provided in Navy Regulations and surveys handled as stated above.

NROTC FORMS AND REPORTS

§ 12.1001 *Form of application for establishment of an NROTC unit.*

(Date)

To: Bureau of Naval Personnel
Washington 25, D. C.

Subject: Application for Establishment of a Unit of the Naval Reserve Officers' Training Corps.

1. By direction of the governing authorities of _____, application is hereby submitted for the establishment of a unit of the Naval Reserve Officers' Training Corps at this institution.

2. Should this application be accepted by the Navy Department, this institution hereby agrees to the establishment and maintenance of a four-year course of Naval training for its physically fit male students under a Department of Naval Science, staffed with Naval personnel. This course, equal in standing with major courses in other departments, will comprise instruction in Naval Science carrying the same weight toward a degree as the same number of hours in any other subject in the university's curriculum. Students who successfully meet the course requirements outlined in the Regulations for Administration and Training, Naval Reserve Officers' Training Corps, approximately twenty-four (24) semester or equivalent quarter-hours of Naval Science, will be considered for the appropriate degree.

3. The institution will provide space for classrooms, offices, equipment, and drill for a normal size unit of 300 in accordance with the following minimum requirements:

Classrooms (5), three of which have a normal capacity of 35 students; one of which has a normal capacity of 50 students; one of which with a capacity of 35 students, contains a minimum floor area of 1,000 square feet for use as a navigation workroom.

Offices (8), seven of which contain a minimum floor area of two hundred square feet each; one of which contains a minimum floor area of three hundred square feet.

Clothing and textbook storage and issue space, one room having a minimum floor area of one thousand square feet, and possessing two entrances.

Armory, heavily reinforced floor area of approximately four thousand square feet, on which will be placed heavy ordnance equipment, permanent installations. This area should have at least a twenty foot ceiling clearance, and flooring capable of carrying a load of one thousand pounds per square foot.

Auditorium, of adequate size for assembly of entire unit, available for use at various times. Usage to be determined in advance in keeping with standard procedure in effect at the institution.

Drill Field, any readily accessible, level grass-covered unobstructed area, with a minimum of eight thousand square yards.

Swimming pool, available for Naval student personnel.

4. It is understood that for normal operation, an annual initial enrollment in the Naval Science course of 80 physically fit male students of the freshman class, citizens of the United States; over 17 years of age, is required to maintain a Naval Reserve Officers' Training Corps Unit.

5. This institution also agrees to promote and further the objects for which the Naval Reserve Officers' Training Corps is established and to conform to the regulations of the Navy Department relating to the operation of the Unit and to the issue, care, use, safekeeping and accounting for such government property as may be issued for use by the unit.

President

Name of Institution

§ 12.1002 *Forms and reports.* The following forms and reports are required in the administration of the NROTC:

(a) *Enrollment of regular students.*

(1) (NavPers 916) Forwarding Endorsement 1 copy.

(2) Record Sheet (CEEB Form) 1 copy.

(3) (NavPers 912) Application for NROTC and NACP 2 copies.

(4) (NavPers 917) Contract for NROTC 2 copies.

(5) Birth Certificate, 1 copy.

(6) (NavPers 915) Evidence of Citizenship, if necessary, 1 copy.

(7) (NavPers 965) Evidence of Discharge, if necessary, 1 copy.

(8) (NavPers 919) Reference Questionnaire 2 copies.

(9) (NavPers 958) Interviewers Appraisal Sheet 2 copies.

(10) (NavPers 923) High School Record 1 copy.

(11) College Transcript, if applicable, 1 copy.

(12) NavMed Form "Y" or "AV-1" 2 copies. The original and one duplicate copy, with the Medical Questionnaire (NavPers 943).

(13) (NavPers 680) Fingerprint Record 1 copy.

The above forms will be executed at the Offices of Naval Officer Procurement and submitted to the Bureau of Naval Personnel in accordance with current instructions.

(14) (NavPers 901) Acceptance and Oath of Office.

(15) NMS form H2 Health Record. To be opened for each student enrolled in the NROTC.

(b) *Enrollment of contract students.*

(1) (NavPers 912) Application for NROTC and NACP 2 copies.

(2) (NavPers 916) Forwarding endorsement 1 copy.

(3) (NavPers 918) Contract, NROTC 2 copies.

(4) (NavPers 913) Consent of Parent or Guardian 2 copies.

(5) (NavPers 915) Evidence of Citizenship 1 copy when necessary.

(6) (NavPers 965) Evidence of discharge 1 copy when necessary.

(7) (NavPers 919) Reference questionnaire 2 copies.

(8) (NavPers 958) Interviewers appraisal sheet 2 copies.

(9) (NavPers 943) Medical Questionnaire 2 copies.

(10) (NavPers 680) Fingerprint record Original only.

(11) NMS form Y Physical examination 3 copies, triplicate copy to be retained in files of the NROTC unit. To be submitted in duplicate after the initial physical examination to the Chief of the Bureau of Medicine and Surgery via the Chief of Naval Personnel.

(12) NMS form H2 Health Record to be opened for each student enrolled in the NROTC.

(13) Birth Certificate.

(14) College transcript (if any).

(c) *Disenrollment.*

(1) NavPers 368—Naval training course certificate. Issued by the Professor of Naval Science to Naval Science students who have completed successfully the course in Naval Science, to NROTC students leaving units under honorable conditions before graduation, or to graduates ineligible for commissioning.

(2) NavPers 364—Disenrollment form. Submitted in duplicate to the Bureau of Naval Personnel by the Professor of Naval Science for every NROTC student who is disenrolled or recommended for disenrollment. (§§ 12.307, 12.408, and 12.701.)

(3) NMS H2—Health Record. To be sent to BuPers.

(d) *Commissioning.*

(1) Recommendation for commissions: A report in letter form, submitted to BuPers 90 days prior to graduation, recommending for commissions, NROTC students who are about to graduate (§ 12.311.)

(2) Application by contract student for active duty and Commission in the regular Navy or Marine Corps. (§§ 12.311, 12.312)

(3) (NavPers 2100) Duty Recommendation: Submitted to BuPers 90 days prior to Commissioning.

(4) (NavPers 318) Training School Report, Officer's Qualification Record: Submitted to BuPers as soon after Commissioning as possible.

(5) (NavPers 309) Officer Qualification Questionnaire: Submitted to BuPers as soon after Commissioning as possible.

(6) (NavPers 305) Officer Qualification Record Jacket: A duplicate of each Officer's Qualification Record at BuPers. The jacket contains a copy of the Officer Qualification Questionnaire and the Original of the Training School Report. Officers ordered to active duty will take their Qualification Record Jacket to their next duty station. The jacket of each officer going to inactive duty will be forwarded to the Commandant of the naval district in which he resides.

(7) (NavPers 16880) Officer Classification Test: Submitted to BuPers in accordance with current instructions.

(8) (NavPers 932) Acceptance and Oath of Office.

(9) (NMS form Y) Physical examination: Submitted in duplicate 90 days prior to commissioning to the Chief of the Bureau of Medicine and Surgery via the Chief of Naval Personnel.

(10) (NMS form H2) Health Record: To be submitted to BuPers if commissioned in the regular Navy. To be sent to the Commandant of the naval district in which the officer resides, if commissioned in the Naval Reserve. To be sent to Commanding Officer of first duty station if commissioned in the Marine Corps, or to the Director of the Marine Corps Reserve District in which the officer resides, if commissioned in the Marine Corps Reserve.

(11) Application for Commission in Marine Corps or Marine Corps Reserve: To be submitted in letter form, with the endorsement of the Professor of Naval Science, 90 days prior to commissioning, to the Commandant of the Marine Corps, Washington, D. C. Submitted in connection with report specified in following paragraph. (§§ 12.311, 12.605)

(12) Application for Commission in a Staff Corps. (§ 12.311)

(13) Graduation Report: A list in duplicate of all graduates who are commissioned, to be submitted to BuPers as soon as practicable after each graduation in accordance with current directives of the Chief of Naval Personnel. (§ 12.313)

(e) Periodic.

(1) (NavPers 384) Subsistence Roll, monthly. (§ 12.703)

(2) (NavPers 384a) Subsistence Roll, memorandum copy.

(3) IBM Change of Status. Submitted monthly to BuPers in accordance with current directives.

(4) (NavPers 381) Semi-annual Return of Books. Submitted to BuPers on 30 December and 30 June of each year. (§ 12.903)

(5) (NMS form Y) Physical examination. Submitted after the annual physical examination of each NROTC student, to the Chief of the Bureau of Medicine and Surgery via the Chief of Naval Personnel. (§ 12.306)

(6) IBM Information Register. Submitted annually to BuPers in accordance with current directives.

(7) Plant Property Inventory. Submitted every two years. (§ 12.908)

(f) Miscellaneous.

(1) Transcript of academic record. (§ 12.311)

(2) Report of Commission withheld. § 12.311

(3) Approval of Transfer between NROTC units. (§ 12.308)

(4) Application for extension of time to complete academic requirements. (§ 12.309)

(5) Report of substitution of college course for NROTC course. (§ 12.503)

(6) Individual student record forms. (§ 12.507)

(7) Application for enrollment in Marine Corps subjects. (§ 12.601)

(8) Aptitude Mark Cards. (§§ 12.505, 12.602)

(9) Cancellation of Commutation of subsistence for unsatisfactory students. (§ 12.703)

(10) Notice of allotment for National Service Life Insurance. (§ 12.705)

(11) BuSanda form 510, Commanding Officer's Pay Record Order. (§ 12.702)

(12) BuSanda form 1071, Mileage voucher. (§ 12.706)

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PART 13—NAVAL AVIATION COLLEGE PROGRAM

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Appendix A. Copy of contract between Navy Department and institution.

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AUTHORITY: §§ 13.101 to 13.1002, inclusive, issued under 49 Stat. 1057; 34 U. S. C. and Sup., 61, 495a, 821, 1023, 1020a-1, 1039, 1049, 1045a.

GENERAL PURPOSES AND POLICIES

§ 13.101 *Authorization.* The Naval Aviation College Program is established under authority of the act of August 13, 1946 (60 Stat. 1057; 34 U. S. C. 61, 405a, 821, 1020, 1020a-1, 1039, 1049, 1045a).

§ 13.102 *Purpose.* The purpose of this program is to prepare carefully selected candidates for entrance into Naval Aviation.

§ 13.103 *Selection policies.* Under the Naval Aviation College Program, two academic years of college level instruction are given to selected high school graduates, or others presenting satisfactory educational qualifications, who have a strong interest in aviation, and whose mental, physical and officer-like qualifications are established by appropriate examinations. Enlisted men of the Navy and civilians will be selected according to quotas based upon the needs of Naval aviation.

§ 13.104 *Financial policies.* Naval aviation candidates selected, who are high school graduates, or equivalent, will receive financial support equivalent to a liberal scholarship in order to attend an accredited college of their choice. The financial support includes tuition, registration fee, student activity fees, books and laboratory fees, and \$50.00 per month (except when on active duty) to begin when the college term starts and to continue until completion of two years of college work. In the event the registration fee has been previously paid by the student, the amount thereof shall be refunded by the institution at the time reimbursement is made therefor by the Navy.

§ 13.105 *Program policies.* Candidates must obtain acceptance to an accredited college of their own choice. Upon entering the program the candidate will be enlisted as an Apprentice Seaman, USNR, and placed on inactive duty. Upon satisfactory completion of the two-year Naval Aviation College Program, candidates will be appointed Midshipman, USN, and will proceed to flight training. Those candidates who may have had some accredited college work before entering this program will receive the above benefits only for a period necessary to complete the aggregate of two years toward a degree. A normal study load must be carried each term.

§ 13.106 *General policies.* (a) Supervision, control, and direction of the NACP will be administered by the Navy Department through the Bureau of Naval Personnel, which is hereby given all necessary authority in the premises.

(b) The supervisory powers of the Bureau of Naval Personnel over the NACP are delegated to the commandants of the naval districts in all matters except those which have been expressly reserved for the Navy Department and the Bureau of Naval Personnel in these and other regulations of the Navy Department.

PROCUREMENT OF CANDIDATES

§ 13.201 *General.* Candidates for the Naval Aviation College Program will be procured from Navy and Marine Corps enlisted and civilian sources. These sources will include the present class V-5 men who elect to transfer to this program and those NACP men enlisted under subsequent directives.

Such candidates shall:

- (a) Possess officer-like qualities.
- (b) Possess strong motivation for flying.
- (c) Be prepared to enter into a contractual agreement to remain in the Navy for the duration of the college education phase and for a period of three (3) years thereafter, unless sooner released by the Secretary of the Navy.

§ 13.202 *Quotas.* A quota will be assigned to each state and to the Navy. Selection committees will make selections of students well in advance of each input period.

§ 13.203 *Qualifications.* All candidates for enlistment in the Naval Aviation College Program, United States Naval Reserve, shall:

- (a) Be male citizens of the United States.
- (b) Come within the following age brackets:
 - (1) Candidates who will have completed less than one full year of college education at the time of entry into the Naval Aviation College Program, must have attained their seventeenth birthday on or before 1 April but must not be more than nineteen years and six months of age on July 1 of the calendar year of entry into the initial, or NACP phase of education.
 - (2) Candidates who will have completed one but less than two full years of college at the time of entry into NACP, must have reached their seventeenth birthday by April 1 but must not be more than twenty years and six months of age on July 1 of the calendar year of entry into the initial, or NACP, phase of education.
- (c) Be unmarried, and agree to remain so until commissioned Ensign; unless otherwise separated from the program.
- (d) Be physically qualified as follows:
 - (1) Candidates must be physically qualified and aeronautically adapted for actual control of aircraft in accordance with the Manual of the Medical Department including the following:
 - (i) Height: 66 inches minimum; 76 inches maximum.
 - (ii) Weight: between 124 and 200 pounds, with weight in proportion to age and height.
 - (iii) Teeth: minimum of 20 vital serviceable teeth, including four opposing molars, two of which are in functional

occlusion on each side of the dental arch and four incisors which are in functional opposition. The soft tissues shall conform to a high standard. The teeth must be free of caries and dental restorations must be of high quality. Applicants cannot be enlisted with disqualifying dental defects even though they may be correctable.

(iv) An eye refraction will not be required.

(v) The Schneider test will be part of the examination.

(e) Be educationally qualified as follows:

(1) Candidates must be high school graduates, or possess equivalent educational preparation, and be able to gain admittance to an accredited junior college, college or university.

(f) Be morally qualified and possess officer qualifications and character as evidenced by appearance, scholarship, extra-curricular activities, and record in his home community.

(g) Possess aptitudes as indicated by passing a battery of aviation, mechanical comprehension and flight aptitude tests.

§ 13.204 *Qualifying Tests.* Qualifying Tests will be given at intervals to civilian candidates for entrance to the Naval Aviation College Program. The dates of these tests will be announced and specific directions for admission to them will be issued at appropriate times. The Qualifying Test will be administered at schools and colleges throughout the United States for all volunteers, and will be given on the same day throughout the country. All candidates within the continental limits of the United States must take the test on the same day in order to qualify. Tests will be given in sufficient time for the then eligible students, after fully qualifying and being accepted, to secure admittance to a college or university at the beginning of the next succeeding term.

§ 13.205 *Reporting.* Candidates who successfully pass the Qualifying Tests will be notified to report to the nearest Office of Naval Officer Procurement at their own expense. (Fleet and shore station candidates will receive orders to suitable distribution centers for further processing.) Physical examinations and personal interviews will be given by these activities. There will also be given an Aviation Classification Test, Mechanical Comprehension Test, and a battery of Flight Aptitude Tests. Report of physical examination, NMS Av-Form 1 will be submitted to BuMed in the case of all applicants who present themselves for examination. The health record and dental chart will be prepared and retained in the office of ONOP until the student has been accepted in a college, then these records will be sent to the Commandant (DirTra) of the Naval District in which the college is located.

§ 13.206 *Final selection.* Final selection of candidates will be made by the same or similar selection committees as made the NROTC selections. At least one such committee will be established in each state. In some states, where the size of the population justifies it, additional committees will be appointed.

§ 13.207 *Selection of enlisted personnel.* Special procedures will be established from time to time covering the selection of enlisted personnel.

RESPONSIBILITIES OF THE COLLEGE

§ 13.301 *Admission.* NACP candidates shall meet all requirements for admission to a college. A college shall follow its usual procedure for a civilian in considering the NACP candidate for admission. When the cognizant Commandant (Director of Training) has been notified officially of admission of an NACP student, (as explained in § 13.302), payment for tuition, fees, books and laboratory expenses of the student will be assumed by the Navy, as set forth in §§ 13.701-13.705.

§ 13.302 *Certification of the student.*

(a) Each student shall present a Certificate of Eligibility and Entitlement to the college. When the candidate has satisfied all entrance requirements and been accepted by the college, the college shall complete this form, (NavPers 2420 (Rev. 46), and distribute copies as indicated.

(b) Every institution will, after completely filling out a Notice of College Enrollment in the NACP (NavPers 367) for each eligible person of the Naval Reserve which it has enrolled in a full-time course of education, send copies of such Form (NavPers 367) to the Commandant (Director of Training) or the Senior Naval Officer present on campus (not a student). If there are no objections thereto, it will be forwarded to the Chief of the Bureau of Supplies and Accounts via the Bureau of Naval Personnel in Washington, D. C., where a definitive contract between the Navy Department (BuSanda) and the institution will be prepared and issued to the contractor. The contract, substantially in the form set forth in the Appendix to this part, will cover all students of this program enrolled in the institution. It will not cover students in other programs such as the NROTC.

(c) The college shall, at the close of each term, notify the cognizant Commandant (Director of Training) of any change in totals of student credits which occur after the initial enrollment.

§ 13.303 *Academic program of the student.* The college will schedule courses for the student so that he will satisfactorily complete the following minimum requirements of the NACP by the end of the fourth term:

- (a) Mathematics courses through Solid Geometry and Trigonometry.
- (b) One year of college Physics.
- (c) Two years of English.

The remainder of the courses in which NACP students are enrolled may be selected from among any courses approved by the academic authorities as contributory to the first two years of college education leading toward a baccalaureate degree. Course requirements and prerequisites which obtain for civilian students will apply to NACP students as well.

§ 13.304 *Academic reports.* The College shall send a copy of regular mid-term (if made for freshmen and sophomores) and term academic reports to the Commanding Officer through appropriate

ate channels (see § 13.501) on each student indicating records which are not considered satisfactory. When a student completes the two year NACP the college will send a complete transcript of credit to the Commanding Officer. This transcript will be placed in the man's jacket by the Commanding Officer.

§ 13.305 *Disenrollment of a student.* The college shall notify the Commanding Officer, whenever a student is disenrolled for academic failure or other reasons in accord with standards and policies of the college or otherwise discontinues college attendance. The Commanding Officer shall disenroll the student from the program as directed on the NACP Disenrollment Report Form (NavPers 364) and proceed with the discharge of the student from his status as Apprentice Seaman, USNR, as directed by the Bureau of Naval Personnel. (See § 13.507.)

§ 13.306 *Procurement of instructional materials for the student.* The college shall procure books and other instructional material for the student as required by the curricula (see §§ 13.601-13.603) and will be reimbursed therefor by the Navy.

§ 13.307 *Payment of tuition, fees, books and laboratory expenses for the student.* The college shall bill the Navy (see §§ 13.601-13.603) at appropriate times for tuition, fees, books and laboratory expenses for each NACP student.

RESPONSIBILITIES OF THE NACP STUDENT

§ 13.401 *General.* It is assumed that NACP students will avail themselves of every opportunity for improvement in leadership, scholarship, and well-balanced personal social development.

§ 13.402 *Admission.* Each NACP student shall secure admission to an accredited junior college, college or university of his choice.

§ 13.403 *Academic requirements.* Each student shall be responsible for enrollment in the required NACP courses within the four term program (see § 13.303) as advised by college officials.

§ 13.404 *Scholarship.* The student shall meet and maintain the usual academic standards prescribed by the college or university. Each student, however, is expected to attain the highest scholastic standing possible, consistent with the maintenance of good health and the development of leadership qualities. (See § 13.507)

§ 13.405 *Conduct.* Students are expected and required to conduct themselves at all times in a manner which will be a credit to themselves, the Navy, and to the college they are attending. Any student whose conduct subjects him to disciplinary action by the college shall be subject to disenrollment from the NACP by the Commanding Officer.

§ 13.406 *Commanding Officer.* The Commanding Officer of Naval Aviation College students shall be the Commandant (Director of Training) of the Naval District in which the college or university is located. (See § 13.801). All official communications originated by stu-

dents shall be addressed to or routed via the Senior Naval Officer present (not a Navy student) on the campus (if any) and their Commanding Officers. (See § 13.501). Each student is required to advise his Commanding Officer of the date that each school term convenes and terminates and to keep his Commanding Officer advised at all times of his, the student's address including all vacation periods, summer, Christmas, Easter, etc. At colleges and universities where the Navy has training activities, the chain of command shall include the Senior Officer present. (Naval Officers on campus in student status are not included in the chain of command).

§ 13.407 *Transfers.* Transfers from one college to another will be permitted in some cases, but students desiring to effect such transfers must obtain permission to effect the transfer from their Commanding Officers. Transferees must be in good standing with the present college, must have obtained acceptance at the new college, and must show that no loss of time or credit will ensue. Students will explain fully their reasons for transfer in the requests submitted to their Commanding Officer, forwarding as enclosures with their requests, written verification of the foregoing points. Travel in such instances shall be at the student's expense.

§ 13.408 *Accomplishment of required reports and forms.* Students shall transmit the Certificate of Eligibility and Entitlement, (see NavPers 2420 (Rev. 46)), to the proper authority on admittance to the college. Candidates will enroll on time and complete a copy of their program and expenses, which the college will approve and send to the Commanding Officer. Each such item will be signed for by the student upon receipt.

§ 13.409 *Pay.* The pay of students shall automatically begin as of the date of entry into college, as endorsed on the Certificate of Eligibility and Entitlement (NavPers 2420 (Rev. 46)). If for any reason pay is not received within a period of six weeks after entering college, the individual student should communicate with his Commanding Officer.

§ 13.410 *Property.* Books, supplies and equipment furnished to students by the college become the property of the student. A college is required to obtain a receipt from each student for such books, supplies and equipment as are furnished to the student, but is not required to have such books, supplies and equipment returned by the student at the end of the course or college program.

§ 13.411 *Physical welfare and medical care.* In the event of illness, students shall avail themselves of local medical facilities in the same manner as do other students in attendance at the college. The usual student medical or health fee (if any), will be paid by the Navy, (see § 13.702) for each NACP student. In the case of serious illness or accident, the Commanding Officer shall be notified by the student, or by the proper representative of the college. Each student shall make every effort to maintain good health

and will participate regularly in physical activities for this purpose.

§ 13.412 *Uniforms.* Naval uniforms shall not be worn by students while attending college.

§ 13.413 *Membership in fraternities, organizations, etc.* Students are permitted to join any organizations, societies, fraternities, etc. recognized or sponsored by the college or university. Students are ineligible to become affiliated with any other military organization except as noted in § 13.414.

§ 13.414 *Participation in Army ROTC training.* Students are eligible for and where required, not exempted from participation in Army ROTC drills and courses provided that students are not required to obligate themselves in any manner to future service in the Army. At NROTC institutions, they may satisfy the requirement by enrolling as Naval Science students.

§ 13.415 *Selective Flight Training.* Selective Flight Training is separate and distinct from the Naval Aviation College Program. It is a short flying period (about four weeks) primarily designed to determine the flying aptitude of the student prior to placing him in actual Flight Training. Normally, this training will be given between the 2d and 3d college terms, but may be given at any time prior to the beginning of Flight Training so that it will not interfere with college work. When a student is scheduled for Selective Flight Training, he shall be ordered to active duty for a period in excess of 30 days, thereby becoming eligible to take National Service Life Insurance and for other benefits of the Naval Reserve legislation. He shall then draw active duty pay and allowances for his rating in lieu of his fifty dollars monthly. Students who fail the Selective Flight Training phase will be disenrolled from the program.

RESPONSIBILITIES OF THE COMMANDING OFFICER

§ 13.501 *General.* Students in the Naval Aviation College Program shall be under the command of the Commandant (Director of Training) of the Naval District in which the college is located (See list in § 13.801), during the two years of college attendance. (Except during Selective Flight Training). At colleges and universities where the Navy has training activities, such as NROTC Units, the chain of command shall include the Professor of Naval Science and Tactics or Senior Naval Officer present. (Naval Officers in student status are not included in the chain of command)

§ 13.502 *Procurement.* The ONOP shall proceed according to §§ 13.201-13.207 and directives specifically covering the subject of procurement in the procurement and processing of NACP candidates.

§ 13.503 *Control.* The Commanding Officer, Commandant (DirTra) shall:

(a) Maintain complete records on all students under his jurisdiction.

(b) Visit, in person or by representative, each college where students are enrolled at least once during each academic

term and shall, wherever necessary, consult with the students and student advisors concerning progress and general conduct.

(c) **Maintain Health Records.** The annual flight physical examination will normally be given preceding flight training. When students have successfully passed a physical examination for flying within the previous six months, the examination may be postponed to a later date provided the intervening period between examinations shall normally not exceed twelve months. In the case of individuals who are physically disqualified, the report of examination shall be on Form Y, BuM&S, if the disqualification can be shown on this form, or on NMSAv-Form 1, and shall be forwarded to BuMed for approval following which the Commanding Officer will effect the separation of the student from the program. The result of the annual physical examination for a student shall be entered in the individual's health record for reference.

(d) **Disenroll or recommend disenrollment of students for academic failure, disciplinary reasons, or lack of officer qualifications as indicated in § 13.507.**

§ 13.504 **Advisory.** The Commanding Officer shall assist and advise NACP candidates, answer inquiries and forward directives affecting their status whenever necessary.

§ 13.505 **Authorization of payments to students and colleges.** The Commanding Officer shall be responsible for verification of student enrollment and certification of payments to the student and college. (See §§ 13.601-13.603) The Commanding Officer shall require that each student advise him following selection of the school where he has gained admission and the convening date of the term. Each Commanding Officer shall submit to the District Accounts Disbursing Office or the District Disbursing Officer (See §§ 13.601-13.603) the name, college address and convening date of college term for each new student entering the program; such report shall be made, wherever possible, at least thirty days prior to the convening date of the college class of which the student is a member.

§ 13.506 **Transfers.** Students desiring to transfer from one college to another will request permission from the Commanding Officer setting forth detailed reasons. The Commanding Officer shall investigate all such requests for transfer. Approval may be given in accordance with Bureau directives, if the transfer is requested for a reason considered legitimate by the college authorities, provided such transfer will not result in loss of time or credit to the student. Students shall be responsible for seeking and gaining admission to the college to which transfer is desired. (See § 13.407.) If he approves the transfer, the Commanding Officer shall, if necessary, transfer the student's records to the Commanding Officer having cognizance of the Naval District in which is located the college to which transfer is made. Further, the Commanding Officer shall notify the cognizant Disbursing Officer of such transfer and, if necessary, request that pay

records and other accounts be transferred to the new cognizant Disbursing Officer.

§ 13.507 **Disenrollment from the program—(a) General.** Any NACP student dropped by the college for academic failure or any other reason shall be immediately disenrolled from the NACP by the Commanding Officer.

(b) **Physical.** Commanding Officers shall recommend directly to the Chief of Naval Personnel the disenrollment of any NACP student who fails to maintain the required physical standards. Such recommendations shall be preceded by submission of Form Y, BuM&S, if the disqualification can be shown on this form, or NMS AvForm 1 to BuMed for approval.

(c) **Academic.** The Commanding Officer shall recommend to the Chief of Naval Personnel the disenrollment of any NACP student whose general academic record is such as to make his value as an officer of the Navy doubtful. This will ordinarily be invoked only in cases where the student is below the standards of his college and would ordinarily be placed on probation or dropped by the college. Such recommendations shall be submitted on the NACP Disenrollment Form, (NavPers 364) This recommendation may be made at any time during the student's course.

(d) **Disciplinary.** The Commanding Officer is authorized to recommend disenrollment of any student from the NACP for disciplinary reasons, to be reported as under paragraph (c) of this section.

(e) **Aptitude.** The Commanding Officer shall recommend to the Chief of Naval Personnel the disenrollment of any NACP student who has demonstrated at any stage of education such lack of officer aptitude as to make his further retention unjustified. Such recommendations shall be submitted on the NACP Disenrollment Form (NavPers 364)

§ 13.508 **Approval of additional term for a student.** The Commanding Officer may approve an additional term for a student in the event of prolonged illness of a student, thereby permitting him to re-adjust his educational program and recover his health. Students submitting such requests to the Commanding Officer shall include substantiating statements from appropriate medical and educational officials. The Commanding Officer will refer all such cases to the Bureau of Naval Personnel for approval. Such additional term shall not be approved in the NACP if by so doing a student exceeds the age limitation of 21 years and 6 months on 1 July of the year in which he completes his Naval Aviation College Program.

§ 13.509 **Standard forms used in the Naval Aviation College Program.** (a) Form NavPers 2420 (Rev. 46) Certificate of Eligibility and Entitlement, shall be presented by the student to the college on admittance. This form shall be completed by the college and distributed as directed.

(b) Form NavPers 367, Notice of College Enrollment in NACP shall be completed by the college for each student enrolled and mailed to the Commandant

(DirTra) via the chain-of-command, at as early a date as practicable. Unless the Commandant (DirTra), or the Senior Officer Present on the campus, has some objection thereto, he shall endorse his approval on Form NavPers 367, when the same is received from the educational institution and forward it via the Commanding Officer and BuPers to BuSanda. The latter Bureau will prepare the definitive contract for execution by the Government and the educational institutions, which will serve as the basis for payments to the educational institution.

(c) Form NavPers 366, NACP Cumulative Academic Record, is for the Commanding Officer and the purpose of keeping an accumulative academic record for each student.

(d) Form NavPers 365, Commandant (DirTra) List of NACP Students is a suggestive form of listing students in each Naval District and recording supervision contacts.

(e) Form NavPers 364, Disenrollment Report, is to be completed and distributed as directed on the form.

(f) Standard Negotiated Contract Form, N6SP to be executed and distributed to the colleges by the Bureau of Supplies and Accounts.

(g) Standard Form 1034, Public Voucher for Purchases and Services other than Personal, to be distributed to colleges enrolling NACP students by the Commanding Officer.

(h) Form NavPers 920 (New 8-48), Naval Aviation Contract Form, is to be executed by the Office of Naval Officer Procurement.

CHARGES AND PAYMENTS TO NACP STUDENTS AND COLLEGES

§ 13.601 **General.** On proper certification of enrollment of an NACP student in a college, the Commanding Officer shall designate the District Accounts Disbursing Office or the District Disbursing Officer to make payments to the student. The Navy Department will designate the Navy Central Disbursing Officer to make payments to the college.

§ 13.602 **Payments to the student.** The college shall report and certify NACP enrollments on Form NavPers 367 to the Commanding Officer. The Commanding Officer shall designate the District Accounts Disbursing Office or the District Disbursing Officer to make the monthly payments to each student.

§ 13.603 **Payments to colleges.** Tuition, fees, books, supplies, equipment and other expenses to the college may be vouchered by the college not more often than once per month during the period of instruction. The Commanding Officer will certify vouchers as to services and materials rendered and forward same to the Navy Central Disbursing Officer designated for payment. (See §§ 13.701-13.705.)

CHARGES AND PAYMENTS FOR TUITION, FEES, BOOKS, SUPPLIES, EQUIPMENT AND OTHER EXPENSES FOR STUDENTS IN THE NAVAL AVIATION COLLEGE PROGRAM

§ 13.701 **Authorization for payment of tuition, incidental fees, and books, supplies, equipment and other expenses,**

After a definitive contract (see the appendix to this part) has been entered into with the contractor a designated Naval Disbursing Office will pay to the institution for each eligible person upon whom a Notice of College Enrollment, Form NavPers 367 has been submitted, and upon which approval has been endorsed by the Commanding Officer, such charges for tuition, incidental fees, required books, supplies, equipment, and other expenses as are set forth in the contract.

(a) Payment for tuition will generally be made on the same basis as for other students pursuing the same or comparable courses, or, when requested by the educational institution, on the basis of fair and reasonable compensation for the services rendered. The basis and amount of compensation will be fully set forth in a definitive contract entered into between the Navy Department (Bureau of Supplies and Accounts) and the educational institution.

(b) Payment for board, lodging or other living expenses, including travel, is made by the student unless otherwise contracted.

§ 13.702 Charges for tuition and fees and books, supplies and equipment. (a) Each educational institution shall indicate on Notice of College Enrollment Form NavPers 367 upon which of the following bases it desires to charge for tuition:

(1) *Regular tuition.* Which includes those charges customarily made other students pursuing the same or comparable courses, as set forth in published catalogs or bulletins of the school or college. (Copy of the institution's catalog or bulletin, appropriately marked, shall accompany the Notice of College Enrollment Forms NavPers 367 submitted).

(2) *Non-resident tuition.* Which includes those charges customarily made other students who were not bona fide residents of the state in which the institution is situated prior to attending said institution for the purpose of pursuing a course of education, provided that the charges are not in conflict with existing laws or other legal requirements. (Certificate that such charges are legal shall be forwarded with the Notice of College Enrollment, Forms NavPers 367 submitted.)

(3) *Fixed rate tuition.* In those instances where the established tuition is inadequate compensation for furnishing education or training, the institution may charge, in lieu of the usual cost for tuition, for each student enrolled in a full-time course as prescribed by the Navy the following fixed rate: \$15 per month, \$45 per quarter or \$60 per semester.

(4) *Tuition agreed upon with the Veterans Administration.* In the event the educational institution has executed a contract with the Veterans' Administration concerning the tuition of Veterans under the Serviceman's Readjustment Act of June 22, 1944, as amended (58 Stat. 284; 38 U. S. C. 693-697) the institution may charge those costs for tuition which have been agreed upon between the institution and the Veterans' Administration in such contract for veterans pur-

suing a similar or comparable course of instruction. (Certified copy of such contract shall be forwarded with the Notice of College Enrollment Forms NavPers 367 submitted.)

(b) Tuition for all students pursuing the same or comparable courses in any one educational institution must be on the same basis.

(c) The contract issued by the Bureau of Supplies and Accounts to the educational institution shall include the charge for tuition, as indicated on Form NavPers 367, as well as those charges which are customarily made other students pursuing comparable courses for necessary books, supplies, equipment and such incidental fees as are set forth in § 13.702 (d) below.

(d) Incidental fees including laboratory, library, health, infirmary, registration, matriculation, breakage, student body and similar fees, may be charged in addition to tuition in the amount required of all students taking the same or comparable courses. Individual charges, such as library fines and charges for library books lost, and optional fees not required of all other students will be paid by the student. In the event the registration fee has been previously paid by the student, the amount thereof shall be refunded by the institution at the time reimbursement is made therefor by the Navy.

(e) *The ordinary school year.* (1) The "ordinary school year" for instruction ordinarily given on a semester or quarterly basis is defined as a period of two semesters or three quarters—not less than thirty nor more than thirty-eight weeks in total length.

(2) The "ordinary school year" for instruction not ordinarily given on a semester or quarterly basis is defined as a period of thirty-four weeks.

§ 13.703 Payments to training institutions. Payments for tuition, incidental fees, books, supplies and equipment will be made in arrears only, and will be prorated in installments over the school year or over the length of the course as provided herein.

(a) The period for which payment of charges may be made will be the period of the students' actual enrollment in the institution and will be subject to the following:

(1) The effective beginning date will be the date of the students' authorized entrance into training status as shown on the Certificate of Eligibility and Entitlement, Form NavPers 2420 (Rev. 46) except that payment will be made for an entire semester, quarter or term in institutions operating on that basis, if the student enters not later than the final date set by the institution for enrolling for full credit.

(2) If an institution customarily charges for the amount of credit or number of hours of attendance for which a student enrolls, payment may be made on that basis when a student enters after the final date permitted for carrying full credit for the semester or term.

(3) The terminal date to which payment will be made is the day following (1) the end of the semester, term or quarter during which the educational service

is furnished, (2) the date of interruption or discontinuance of training, or (3) the date of completion of the course.

(b) *Vouchers for tuition and incidental fees may be submitted at the end of each month.* (1) Vouchers will be prepared by the institution on Standard Form 1034, "Public Voucher for Purchases and Services other than Personal" and will cover the amounts due for services rendered during the period covered by the voucher for all students enrolled under authority of the Navy Department. Separate vouchers will be prepared for each student not remaining in training or who has left the institution during the billing period. Vouchers will be in sufficient detail to permit of a proper audit of the account for each student. There will be shown on each voucher, or on separate schedule attached, the following: Name and file number of each student, date of enrollment, the individual charge of each student, period covered by the charge for each student (in column "Date of Delivery or Service") and total charges. Books, supplies, equipment, etc., need not be itemized on the voucher to show the individual items for which charges are made, but sufficient information should be indicated so that the character of the charges in connection with the course pursued may be determined. For instance, where it is the practice of an institution to submit its charges to cover both tuition and other items in one account, it will be sufficient to state on the voucher "Tuition, books, supplies, etc." without breakdown; if the school's charges, as reflected by contract, are stated separately as to tuition (including laboratory, library and similar fees) as to supplies (including books, etc.) or as to equipment, the voucher should show the amount applicable to each such general breakdown. The face of the voucher will show the authority for the expenditure as Contract N6Sp. -----

(2) Certification of the correctness of the vouchers will be the responsibility of the Commanding Officer and will be made on the reverse side of the first yellow copy. The accuracy of the vouchers will be checked against the Notice of Enrollment in NACP Forms NavPers 367, progress reports, publications of the institution and other data available.

(3) Breakage fees and deposits all or part of which are normally refundable, will be allowed for only the amount of breakage or loss actually incurred in connection with the courses and the actual amount of breakage or loss will be stated on the voucher. Items broken or lost will be treated as supplies furnished.

(c) *Vouchers for books, supplies and equipment furnished by a school or college and other necessary expenses incurred on behalf of a student may be submitted immediately after such articles are furnished or may be included with the voucher submitted for tuition and incidental fees.* The voucher may be prepared showing the total cost for each student and need not be itemized, provided the Commanding Officer determines that the articles represented by the charge for each student were delivered to him, or expenditures were made on his behalf, and that the institution has on hand and available for inspection

by the Navy evidence of such delivery and expenditures.

(d) Payment when a course is discontinued or interrupted will be prorated for students on the same percentage basis as the institution prorates to other students except that in the case of an institution which has no published refund policy or makes no refunds of tuition when a student withdraws, payment will be prorated on the basis of the period of the Naval students' attendance. Full payment of tuition and incidental fees to the end of the term, quarter or semester will be allowed for a student whose training has been interrupted and where the interruption is of such a minor nature that the school or college grants full credit at the conclusion of such period.

(e) *Payment on behalf of a student who receives a fellowship.* Scholarship, grant-in-aid, assistantship or similar award in complete or partial payment of tuition and/or fees will be made in accordance with the following:

(1) Awards which constitute a waiver of tuition and/or fees, or are to be applied to the payment of tuition and/or fees will reduce to the extent of the award the amount of tuition and/or fees for which the Navy will be responsible.

(2) Awards which are paid in cash may be retained by the student and not be deducted from the charge for tuition and other fees ordinarily payable by the Navy.

(3) Waivers of tuition and/or fees provided under law by States or other Government authority will be utilized, and the charges which the Navy Department will pay on behalf of students eligible thereunder will be reduced in accordance with such waivers.

§ 13.704 *Reimbursement to students.* Except when otherwise specifically provided, the Navy will not reimburse a student who pays personally for tuition, incidental fees, books, supplies and equipment, and/or other necessary expenses.

§ 13.705 *Procedure for furnishing books, supplies, and equipment.* Books, supplies, and equipment, including tools and other necessary articles, will be furnished by the training institution to persons enrolled in courses of education or training. Such items will consist only of those which are required of other students pursuing the same or comparable courses and in no instance will be greater in variety, quality, or amount than are required of other students. Items which are commonly used for personal purposes, such as fountain pens, brief cases, typewriters, etc., although also used in connection with the course of education or training, will not be provided by the Navy. In those instances where an article is available in several prices, grades or qualities, the Navy will pay for the furnishing of only such quality or grade as will meet the requirements of the need which the article is intended to serve.

(a) The charges for the necessary books, supplies and equipment will be stated by the institution. This amount will include only the items required during the period covered. When the

charge for tuition is stated by the course, the amount stated for books and other articles will be made for the entire course.

(b) Arrangements will be made with educational institutions to furnish books, supplies and equipment. (1) Schools and colleges will furnish the required articles or arrange for them to be furnished and will submit vouchers for reimbursement. The price to be paid for such articles will be as stated in the contract. The Commanding Officer will certify as to the actual delivery of such articles.

(c) Books, supplies and equipment will be furnished promptly. Accordingly, the Commanding Officer will work out with each institution an arrangement whereby these articles will be made available to students with as little lapse of time as possible so they will not be at a disadvantage in their study. Such items generally should not be issued except as they are needed.

(1) Articles which are lost, stolen or misplaced will be replaced at the expense of the student.

(2) When a particular article is required for use in more than one subject or unit course, or in another term, quarter, or semester, or in a succeeding school year, such article will not be duplicated.

(d) Books, supplies, or equipment will be deemed released to a student at the time they are furnished.

§ 13.801 *Address list of Naval District Commandants.*

Commandant, First Naval District, North Station Office Building, 150 Causeway Street, Boston, Mass.

Commandant, Third Naval District, Federal Office Building, 90 Church Street, New York 7, N. Y.

Commandant, Fourth Naval District, Building 4, U. S. Naval Base, Philadelphia 12, Pa.

Commandant, Fifth Naval District, Naval Station, Norfolk 11, Va.

Commandant, Sixth Naval District, Naval Base, Charleston Navy Yard, S. C.

Commandant, Seventh Naval District, Naval Air Station, Jacksonville, Fla.

Commandant, Eighth Naval District, New Federal Building, New Orleans, La.

Commandant, Ninth Naval District, Naval Training Center, Great Lakes, Ill.

Commandant, Eleventh Naval District, Naval Operating Base, San Diego 30, Calif.

Commandant, Twelfth Naval District, Federal Office Building, Civic Center, San Francisco, Calif.

Commandant, Thirteenth Naval District, Exchange Bldg., 821 2nd Ave., Seattle 14, Wash.

Commandant, Potomac River Naval Command, Naval Gun Factory, Washington 25, D. C.

§ 13.802 *Address list of main and branch offices of Naval Officer Procurement.*

Office and Street Address

Atlanta 1, Ga., 721-31 Healey Building.

Boston 9, Mass., Room 903 United States Postoffice and Court House Building.

Chicago 4, Ill., 321 South Plymouth Court.

Cincinnati 2, Ohio, Fourth Floor, Kroger Building, 35 East Seventh Street.

Detroit 26, Mich., 1249 Washington Boulevard.

¹ Branch Offices of Naval Officer Procurement.

Kansas City 6, Mo., 239-41 United States Courthouse, Ninth Street and Grand Avenue.

Minneapolis 2, Minn., 1645 Northwestern Bank Building.

Los Angeles 14, Calif., 210 West Seventh Street.

New Orleans 12, La., Suite 915, Federal Building.

Dallas 2, Tex., Naval Air Station, Building No. 11.

New York 7, N. Y., 90 Church Street, Room 1102.

Philadelphia 3, Pa., 1600 Arch Street.

Pittsburgh 19, Pa., Third Floor, Old Postoffice, Fourth Avenue and Smithfield Street.

San Francisco 3, Calif., Ferry Building.

Seattle 4, Wash., 117 Marion Street.

Washington 25, D. C., 1320 G Street NW.

THE FLIGHT TRAINING PROGRAM AND FLEET DUTY

§ 13.901 *The flight training program.* Although the actual divisions of the flight training phase have been changed quite frequently during the past few years, it is the present expectation that the procedure herein outlined will in general obtain. The student upon completion of two years of college will be assigned to the pre-flight school as soon as practicable thereafter, the maximum delay in such assignment not to exceed a few months. The first step is the Pre-Flight School where General Officer Indoctrination, Athletics, and Aviation ground subjects are given. This is set up at present as a sixteen weeks course. Upon reporting at Pre-Flight School for active duty, the trainee will take up the status of Midshipman, USN, and will receive a clothing allowance so that he will henceforth be in naval uniform. From that date he will participate in all the benefits of an active duty status, base pay, allowance, travel expenses, and Navy Medical and Dental care.

The next phase will be Basic Flight Training where he will be primarily concerned with learning to fly. His ground school, however, will continue during his non-flying time. This phase consists of dual instruction in basic training aircraft, followed by solo practice. Interspersed into the syllabus are frequent dual instruction periods to teach new steps as the student progresses. As he completes each phase of the Basic Syllabus, he is checked by instructor pilots to determine his fitness to continue. During this period he progresses from elementary planes, through instrument planes, through bomber training planes, through seaplanes, and through carrier training planes. Approximately thirty-nine weeks are spent in Basic Training.

Following Basic Training is Advanced Training where the Midshipman begins to specialize in either carrier-type, seaplane-type, or land-based bomber-type planes. Here he learns to fly service aircraft and begins to practice in the tactical usages of his type of aircraft. Approximately twelve weeks are required in Advanced Training.

It should be pointed out that, should the trainee be found deficient in any phase of the entire program, he will be separated from the program and his contract terminated.

§ 13.902 *Fleet duty.* Upon successful completion of Advanced Training, the Midshipman is designated a Naval

Aviator and is ordered to duty with the fleet. His appointment as Ensign, USN, will be effective two years from the date of his appointment as a midshipman. He will continue duty as assigned for one more year, at which time the options shown in §§ 13.1001-13.1002 will come up for decision.

§ 13.903 *Government life insurance.* Government life insurance will be taken out for the benefit of the trainee when he begins flight training, and will be paid for by the Navy until the trainee is commissioned an Ensign, at which time he may take over payment of the premiums or let the policy lapse as desired. The policy will be a \$10,000 life insurance term-type contract.

OPTIONS OPEN TO THE OFFICER ON COMPLETION OF TOUR OF DUTY

§ 13.1001 *Continue on active duty.* The Navy expects to require a large annual input of Naval Aviators for the Regular Navy from the Naval Aviation College Program. The numbers required each year will be taken from the Ensigns who, at the end of their first commissioned year, desire to make the Navy a career, and are so selected by the Navy Department.

Those selected will find themselves on the same rank level as other Naval Officers who might have begun college, NROTC, or the Naval Academy at the same time. In order to complete the education of the officers whose origin was the Naval Aviation College Program, the Navy will send them on to two years of college training while they retain their status as officers and retain their orders to flight duty. Their time at college will count the same as any other active duty for pay, longevity, retirement and promotion purposes.

It is to be noted here that this program has many advantages. First, flight pay begins shortly after completion of the second year of college. Secondly, there is a clothing allowance when the student takes up the status of Midshipman, and another clothing allowance when the status of commissioned officer is attained. Naval Aviation students have a college degree of their own choice, without prejudice to their naval career. They are insured at no cost to themselves from the time they begin flight training. Their books are paid for without deductions from pay. During the first two years of college the student's educational qualifications are those required by the accredited college attended.

§ 13.1002 *Release from active duty.* If the Ensign so desires, he may elect to be released from active duty at the end of his year as an Ensign. He will then receive a commission in the Reserve. The Navy will then undertake to compensate such officers at the rate of \$100 per month for each month during which further college education is undertaken, furnishing also tuition, books, and laboratory fees. Total cost not to exceed \$2,000, exclusive of the tuition, books, and laboratory fees.

APPENDIX A—CONTRACT

Navy Department,
Bureau of Supplies and Accounts,
Washington 25, D. C.

NEGOTIATED CONTRACT NCSP

Contractor:
Amount:
Bureau of Naval Personnel:
Appropriation:
Expenditure Account No.

Purpose: Naval Aviation College Program.
This contract entered into as of the _____ day of _____, 194____, by the United States of America (hereinafter called the Government) and _____, a corporation organized and existing under the laws of the _____, hereinafter called the Contractor whose address is _____

Witnesseth,
Whereas the Government requires the services of the Contractor in connection with the instruction and training of students in the Naval Aviation College Program, Now therefore, in consideration of the premises and mutual covenants and agreements hereinafter contained, the parties do mutually agree as follows:

Section 1—Scope of the Contract

The Contractor shall furnish educational instruction, tuition, advice, books, laboratory equipment and such other services and materials as may be necessary to carry out the Regulations for the Administration and Training, Naval Aviation College Program, which Regulations are hereby incorporated into this contract by reference. To the extent of any inconsistency between any regulations which are incorporated into this contract by reference (including "Regulations for the Administration and Training, Naval Aviation College Program") and the Provisions of this contract the Provisions shall control.

Section 2—Compensation

The Contractor shall be paid the following prices and amounts for the services and materials furnished hereunder.

(a) _____ students: Tuition in the amount of \$ _____ for each student.
(Per semester) (Per quarter)

(b) _____ students: Tuition in the amount of \$ _____ for each student.
(Per semester) (Per quarter)

(c) _____ students: Required books and instructional equipment in the amount of \$ _____ for each student.
(Per semester) (Per quarter)

(d) _____ students: Required books and instructional equipment in the amount of \$ _____ for each student.
(Per semester) (Per quarter)

(e) _____ students: Other fees and charges in the amount of \$ _____ for each student.
(Per semester) (Per quarter)

(f) _____ students: Other fees and charges in the amount of \$ _____ for each student.
(Per semester) (Per quarter)

The total price to be paid for all students is \$ _____
(Per semester) (Per quarter)

Section 3—Payments

(a) Upon the submission of properly certified vouchers to the Commanding Officer, the Contractor shall be paid the prices stipulated herein for the services rendered and the materials delivered, less deductions, if any, as herein provided. Unless otherwise specified, vouchers may be submitted at the end of each month of the term. Payments

will be made by the Navy Central Disbursing Office, _____ Naval District.

(b) The Government shall not be liable for any charges until the student actually enters upon his course of studies. In case a student is disenrolled for any reason, the Government shall not be responsible for any charges accruing after the date of such disenrollment.

(c) Contractor may submit a voucher for required books at any time after delivery of such books to the student.

Section 4—Term of the Contract

This contract shall extend from date until _____, and may be renewed from term to term by mutual agreement, subject to available appropriations.

Section 5—Assignment of Claims

If this contract provides for payments aggregating \$100,000 or more, claims for monies due or to become due the Contractor from the Government under this contract may be assigned, and may thereafter be further assigned, to a bank, trust company, or other financing institution, including any Federal lending agency, pursuant to the provisions of the Assignment of Claims Act of 1940 (Public Law No. 811, 76th Congress). Payment to an assignee of any claim under this contract shall not be subject to reduction or set-off for any indebtedness of the Contractor to the Government arising independently of this contract.

Section 6—Eight Hour Law

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the Contractor or any subcontractor contracting for any part of said work shall be required or permitted to work more than 8 hours in any one calendar day upon such work at the site thereof, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this section. The wages of every laborer and mechanic employed by the Contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of 8 hours per day, and work in excess of 8 hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this section a penalty of \$5 shall be imposed on the Contractor for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than 8 hours upon said work without receiving compensation computed in accordance with this section, and all penalties thus imposed shall be withheld for the use and benefit of the Government; Provided, that this stipulation shall be subject in all respects to the exceptions and provisions of the act of June 19, 1912 (U. S. Code, title 40, secs. 324 and 325), relating to hours of labor, as modified by the provisions of section 303 of Public Law No. 781, 76th Congress, approved September 9, 1940, relating to compensation for overtime.

Section 7—Termination for Convenience

Any services or materials arranged for under this contract may be terminated by the Government whenever the contracting officer shall determine that such action is for the benefit of the Government. If any arrangement is so terminated, fair compensation within the meaning of the Contract Settlement Act 1944 (Pub. Law No. 335, 78th Congress), as the same may from time to time be amended, will be paid to the Contractor. The Contractor and the contracting officer may agree upon the fair compensation to be paid to the Contractor in the event of such termination.

Section 8—Nondiscrimination in Employment

The Contractor in performing work under this contract shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The Contractor shall include this section in all of its subcontracts. For the purposes of this section, subcontracts shall include all purchase orders and agreements to perform all or any part of the work, or to make or furnish any article, required for the performance of this contract, except purchase orders or agreements for the furnishing of standard commercial articles or raw materials.

Section 9—Officers not to Benefit

No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Section 10—Covenant Against Contingent Fees

The Contractor warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the Government the right to annul this contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage or contingent fee. This warranty shall not apply to commissions payable by the Contractor upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business.

Section 11—Disputes

Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the contracting officer, who shall mail to the Contractor a written notification of his determination. Within 30 days from said mailing the Contractor may appeal to the Secretary of the Navy, whose decision shall be final and conclusive upon the parties. Pending decision of a dispute hereunder the Contractor shall diligently proceed with the performance of the contract.

Section 12—Definitions

(a) The term "Secretary of the Navy" includes any person authorized to act for him other than the contracting officer.

(b) The term "Contracting Officer" includes the Chief of the Bureau of Supplies and Accounts, the purchasing officers in such Bureau, and their duly appointed successors and their duly appointed representatives.

(c) The term "Commanding Officer" means the person or persons, and their duly appointed successors, charged with the duty of supervising the performance of this contract on behalf of the Government.

This negotiated contract is made pursuant to the provisions of the First War Powers Act, 1941.

In witness thereof the parties hereto have executed this contract as of the day and year first above written.

UNITED STATES OF AMERICA,

By _____

(Contractor)

By _____

Title _____

(Business address of contractor)

NOTE: In cases of corporation, witnesses are not required but certificate below must be completed.

CERTIFICATE**APPENDIX B—CONTRACT FOR NAVAL AVIATION OFFICER CANDIDATE PROGRAM**

I, _____, in consideration of such benefits as may accrue to me by reason of my enrollment in the Naval Aviation Officer Candidate Program, and with the consent of my parent or legal guardian, do hereby agree to the following contract with the Secretary of the Navy, acting for and on behalf of the United States in accordance with the provisions of law.

First, to enter upon and continue training in the Naval Aviation Officer Candidate Program, until the completion of such training as may be prescribed, and upon the completion of not less than two years of scholastic work, to accept an appointment as Midshipman, U. S. N., if offered, and to enter upon and continue flight training leading to my designation as a naval aviator.

Second, upon the satisfactory completion of two years of flight duty, including flight training, to accept a commission in the United States Navy or the United States Marine Corps, if offered, and having accepted such a commission, in the event of the termination thereof, I agree to accept such commission in the Organized Naval or Marine Corps Reserve that may be offered me, and I further agree not to resign from said Reserve prior to the sixth anniversary of the date of rank stated in my original commission in the United States Navy or the United States Marine Corps.

Third, to remain unmarried until commissioned.

I understand that should I not request retention in the regular service prior to June 1 of the calendar year following that in which commissioned, or should I not be selected for retention following such request, my commission will be terminated. I understand that upon the termination of said commission, I must accept an appointment to commissioned rank in the Naval or Marine Corps Reserve if offered, and I may then apply for and receive such benefits as are provided by law.

I further understand that the Secretary of the Navy may release me from my obligations under this contract and separate me from the training program at any time, that in his opinion, the best interest of the Naval Service requires such action.

(Signature of Applicant in full)

(Witness)

I, _____, parent/legal guardian of _____, whose signature appears on the foregoing contractual agreement, do hereby consent to his entering into such contractual agreement.

Parent/Legal Guardian

Subscribed to this _____ day of _____, 1941.

For the Secretary of the Navy,

Vice-Admiral, U. S. Navy
The Chief of Naval Personnel

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AUTHORITY: §§ 14.1101 to 14.12305, inclusive, issued under secs. 1, 206, 52 Stat. 1175, 1179, as amended, sec. 2, 55 Stat. 3, 261, secs. 2, 15 (f), 15 (g), 56 Stat. 730, 733, as amended; 34 U. S. C. and Sup. 833, 833c, 833e, 834c, 835d, 835f, 835g, 837-837g.

NOTE: Sections 14.1101 to 14.12305 correspond to the articles in Part H (revised January 27, 1947) of the Bureau of Naval Personnel Manual.

SUBPART A—GENERAL; ADMINISTRATION AND ORGANIZATION; ALL CLASSES**Policy**

§ 14.1101 **Purpose of Naval Reserve.** The purpose of the Naval Reserve is to provide a force of qualified officers and enlisted personnel who are available for mobilization in the event of a national emergency, and who together with the active and retired personnel of the regular Navy can effectively meet the needs of the expanding naval establishment while an adequate flow of newly trained personnel is being established.

§ 14.1102 **Composition of the Naval Reserve.** The Naval Reserve as established by the Naval Reserve Act of 1938 is a component part of the United States Navy and consists of:

The Fleet Reserve.
The Organized Reserve.
The Volunteer Reserve.
The Merchant Marine Reserve.

§ 14.1103 **General policies.** (a) General policies relating to the size, loca-

tion, organization, administration, training, and mobilization of the Naval Reserve, before being adopted will be submitted to the Secretary of the Navy for approval, via the Chief of Naval Operations.

(b) The closest cooperation will be maintained between the Navy and the States supporting a Naval Militia in accordance with § 14.8606.

§ 14.1104 Naval Reserve policy board.

(a) For the purpose of advising the Secretary of the Navy on the formulation of Naval Reserve policies there shall be convened annually at the Navy Department a Naval Reserve policy board, at least half the members of which shall be Naval Reserve officers. In time of peace, such Naval Reserve officers shall be called to this duty from an inactive duty status. Equitable representation on this board will be given to both officers and enlisted personnel of the various components of the Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve.

(b) The Chief of Naval Personnel will determine the date on which the above board shall be convened during any fiscal year and will prescribe its organization and make other necessary arrangements with relation thereto.

(c) Membership on the board of Naval Reserve personnel in an inactive duty status shall be on a permanent basis, except that each year at least one-third of such members shall be replaced. Personnel shall be selected for this duty with a view to equitable representation on the board of the various classes of the Naval Reserve from all sections of the continental United States. Alternate members shall be appointed, the same principles being observed in their selection, in order that routine and unexpected vacancies may be filled from a list of personnel who have had full opportunity to prepare themselves for this important duty.

(d) Any member of the Naval Reserve or Regular Navy may submit matter for consideration by the Naval Reserve policy board. Questions to be placed on the agenda for the sessions of the board shall be submitted, as they arise, to the various members and alternates for their preliminary study.

Purpose and Composition of Classes.

§ 14.1201 *Purpose of Fleet Reserve.* The purpose of the Fleet Reserve is as stated in § 14.9101.

§ 14.1202 *Composition of Fleet Reserve.* The composition of the Fleet Reserve shall be in accordance with the provisions of §§ 14.9201 and 14.9202.

§ 14.1203 *Purpose of Organized Reserve.* The purpose of the Organized Reserve is to provide a trained force of officers and enlisted personnel which, supplemented by personnel from other sources, will be adequate in numbers and composition to meet the initial requirements of the war organization of the U. S. Navy.

§ 14.1204 *Composition of the Organized Reserve.* (a) The Organized Reserve shall consist of officers and enlisted personnel who are required to maintain

efficiency by attending frequent drills and by performing annual training duty, and who are available for duty in the naval service in time of war or when in the opinion of the President a national emergency exists.

(b) The assignment of officers to the Organized Reserve will normally be confined to those who meet the requirements for unlimited general service. In cases where a deviation from this policy seems to be indicated, the Chief of Naval Personnel will authorize the assignment of officers with special or limited general service classifications.

(c) Officers assigned to the Organized Reserve will be distinguished from other officers of the Naval Reserve by appending a hyphenated capital letter "O" immediately after their branch designator, as indicated in paragraph (d) of this section.

(d) Except as provided in paragraph (b) of this section the assignment of officers to organizations of the Organized Reserve will be limited to officers possessing the following classification and branch designators:

Line Officers

A, USNR-O. Nonflying aviation officers who are qualified for general detail.

AD, USNR-O. A, also qualified as officers of the deck (underway).

A3, USNR-O. Heavier-than-air flight officers (designated naval aviators) who are qualified for general detail.

A3D, USNR-O. A3, also qualified as officer of the deck (underway).

A5, USNR-O. Heavier-than-air aviation officers who did not complete the full course in aviation training and who are usually not qualified for general detail.

A5D, USNR-O. A5, also qualified as officers of the deck (underway).

C, USNR-O. Communication officers who are qualified as communication watch officers at sea.

CD, USNR-O. C, also qualified as officers-of-the-deck (underway).

D, USNR-O. Deck officers who are qualified as officers-of-the-deck (underway).

E, USNR-O. Engineer officers who are qualified as engineering watch officers.

DE, USNR-O. Deck and engineering officers who are qualified as officers-of-the-deck (underway) and as engineering watch officers.

Staff Officers

HCR, USNR-O. Officers of the Medical Corps who are qualified for general duties allied to the Medical Corps.

MCR, USNR-O. Officers of the Medical Corps qualified for general detail.

SCR, USNR-O. Officers of the supply corps qualified for general detail.

(5) Qualifications in the field of Electronics will be indicated by appending the designators—"R" "X" "N" "T" and "T1" to "T9" inclusive, to the Line officers' basic classification designators during such time as they are considered qualified in a particular specialty of this field. The numerical appendage to the basic designator "T" indicates a specialization which is subordinate to the basic qualification. The designators "R" "X", and "N" are assigned only to those officers whose basic classification contains the letters "C" "D" "E" or "A". The designator "T" with or without a numerical appendage, is assigned to officers whose basic classification designators contain the letters "E" and "A".

Examples:

A3N. A3, qualified as N.
DER. DE, qualified as R.

The specialties in the field of electronics are defined as follows:

R—CIC watch officers who are well versed in all phases of the operations of CIC except control of aircraft.

X—Officers who, in addition to having the qualifications for R, are qualified in aircraft control except at night or in conditions of low visibility.

N—Officers who, in addition to having the qualifications for X, are qualified in aircraft control under all conditions.

T—Officers who are highly trained and specialized in the technical and material details of radio, radar, and underwater sound.

T1—Electronics administration.

T2—Electronics distribution.

T3—Radar.

T4—Communication Equipment.

T5—Sonar.

T6—Electronics aids to Navigation.

T7—Electronic fire control.

T8—Guided-missiles and/or pilotless aircraft.

T9—Electronics specialty—"NEC" (Not Elsewhere Specified).

(6) Qualifications in submarines will be indicated by appending the letters SS, SG, or SP to the officers' basic service classification designators, where appropriate, during such time as the officers concerned are so qualified.

Examples:

DESS, DE, qualifies as SS.

DSG, D, qualified as SG.

ESP, E, qualified as SP.

These qualifications in submarines are designated as follows:

SS. Officers qualified in submarines pursuant to article E-1305 (BuPers Manual).

SG. Officers qualified in submarines (limited).

SP. Officers qualified for submarine training.

(7) Enlisted personnel of the Organized Reserve shall be designated as follows:

01. Enlisted personnel of the surface component.

02. Enlisted personnel of the aviation component.

(8) Qualifications in submarines will be indicated by appending the letters SS, SL, SG, or SP to enlisted men's rating designators, where appropriate, during such time as the men concerned are so qualified.

Examples:

GM1SS.

CMoMSG.

The qualifications in submarine are designated as follows:

SS. Men qualified in submarines pursuant to article D-5303 (BuPers Manual).

SL. Men previously qualified in submarines whose qualifications have lapsed.

SG. Men qualified in submarines (limited).

SP. Men qualified for submarine training.

§ 14.1205 *Purpose of Volunteer Reserve.* The purpose of the Volunteer Reserve is to provide a force of officer and enlisted personnel which, added to those of other branches of the Reserve, will meet the needs of the Navy until an adequate flow of newly trained personnel is established.

§ 14.1206 *Composition of the Volunteer Reserve.* (a) The Volunteer Re-

serve shall consist of officers and enlisted personnel not assigned to the Organized Reserve, the Fleet Reserve, or the Merchant Marine Reserve, who are qualified or partially qualified for duty in the naval service in time of war or when in the opinion of the President, a national emergency exists.

(b) The branch designators of officers of the Volunteer Reserve will not be supplemented as is done in the case of officers of the Organized Reserve.

(c) Officers of the Volunteer Reserve are subdivided into five major groups for the purpose of classification. These groups are as follows:

- (1) General Service—Unlimited.
- (2) General Service—Limited.
- (3) Special Service—Unlimited.
- (4) Special Service—Limited.
- (5) Probationary officers.

(d) Officers of the Volunteer Reserve shall have service classification designators as follows under the aforementioned classification groupings:

(1) General Service—Unlimited.

1. Line officers:

A, USNR. Nonflying aviation officers who are qualified for general detail.

AD, USNR. A, also qualified as officers-of-the-deck (underway).

A1, USNR. Heavier-than-air aviation officers detailed to active duty in the aeronautic organization of the Navy immediately following completion of flight training, in aviation cadet status, and designation as naval aviators. (Will be reclassified as A3 when released from first tour of active duty.)

A1D, USNR. A1, also qualified as officers-of-the-deck (underway). (Will be reclassified as A3D when released from first tour of active duty.)

A2, USNR. Lighter-than-air aviation officers detailed to active duty in the aeronautic organization of the Navy immediately following completion of flight training, in an aviation cadet status, as naval aviators. (Will be reclassified as A4 when released from first tour of active duty.)

A2D, USNR. A2, also qualified as officers-of-the-deck (underway). (Will be reclassified as A4D when released from first tour of active duty.)

A3, USNR. Heavier-than-air aviation officers holding designation as naval aviators, who are qualified for general detail.

A3D, USNR. A3, also qualified as officers-of-the-deck (underway).

A4, USNR. Lighter-than-air aviation officers holding designation as naval aviators who are qualified for general detail.

A4D, USNR. A4, also qualified as officers-of-the-deck (underway).

A5, USNR. Heavier-than-air aviation officers who were formerly civilian pilots. These officers did not take the complete course in aviation training and are usually not qualified for general detail.

A5D, USNR. A5, also qualified as officers-of-the-deck (underway).

A6, USNR. Commissioned lighter-than-air aviation officers who were formerly civilian pilots. These officers did not take the complete course in aviation training and are usually not qualified for general detail.

A6D, USNR. A6, also qualified as officers-of-the-deck (underway).

C, USNR. Communication officers who are qualified as communication watch officers.

CD, USNR. C, also qualified as officers-of-the-deck (underway).

D, USNR. Deck officers who are qualified as officer-of-the-deck (underway).

E, USNR. Engineer officers who are qualified as engineering watch officers.

DE, USNR. Deck and engineering officers who are qualified as officers-of-the-deck (underway), and as engineering watch officers.

2. Staff officers:

CECR, USNR. Officers of the Civil Engineer Corps qualified for general detail.

CHCR, USNR. Officers of the Chaplains Corps qualified for general detail.

DCR, USNR. Officers of the Dental Corps qualified for general detail.

HCR, USNR. Officers of the Hospital Corps who are qualified for general duties allied to the Medical Corps.

MCR, USNR. Officers of the Medical Corps qualified for general detail.

NCR, USNR. Nurse Corps, United States Naval Reserve.

SCR, USNR. Officers of the Supply Corps who are qualified for general detail.

GEN, USNR. Commissioned warrant and warrant officers (pay clerks) of the Supply Corps, who are qualified for general detail.

(2) General Service—Limited.

1. Line officers:

AL, USNR. Nonflying aviation officers.

ALL, USNR. Heavier-than-air aviation officers. (Will be reclassified as A3L when released from original tour of active duty.)

A2L, USNR. Lighter-than-air aviation officers. (Will be reclassified as A4L when released from original tour of active duty.)

A3L, USNR. Heavier-than-air aviation officers.

A4L, USNR. Lighter-than-air aviation officers.

A5L, USNR. Heavier-than-air aviation officers.

A6L, USNR. Lighter-than-air aviation officers.

CL, USNR. Communication officers.

DL, USNR. Deck officers.

EL, USNR. Engineering officers.

(3) Special Service—Unlimited.

1. Line officers:

S, USNR. Officers in the following categories: Those officers over 35 years of age who had no sea duty during World War II; those above the rank of Lieutenant who have had no sea duty; those whose services are of paramount value in administrative billets ashore; and those who are physically disqualified for sea duty.

W, USNR. Female officers whose duties are not within the scope of specialists classifications.

(4) Special Service—Limited.

1. Line officers:

SA, USNR. Non-flying aviation officers in the following categories: Those not physically qualified for unlimited general service; those over 35 years of age; those whose training and abilities are highly specialized.

WA, USNR. Female officers who are specialists in the technical and/or technical administrative fields within the aviation branch of the naval establishment.

SA1, USNR. Heavier-than-air aviation officers (formerly A1), whose training and abilities are highly specialized. (Will be reclassified as SA3 when released from original tour of active duty.)

SA2, USNR. Lighter-than-air aviation officers. In general the same qualifications apply as for SA1. (Will be reclassified as SA4 when released from original tour of active duty.)

SA3, USNR. Heavier-than-air aviation officers (formerly A3 or SA1). In general the same qualifications would apply as for SA1.

SA4, USNR. Lighter-than-air aviation officers (formerly A4 or SA2). In general the same qualifications would apply as for SA3.

SA5, USNR. Heavier-than-air aviation officers (formerly A5). This classification is applicable to officers who are 40 years of age or over, or officers who are not physically qualified for unlimited duties.

SA6, USNR. Lighter-than-air aviation officers (formerly A6). In general the same qualifications apply as for SA5.

SCOM, USNR. Communication officers in the following categories: Those who are qualified to perform all communication duties ashore and whose rank and age (over 35) renders assignment to sea duty improbable; those not physically qualified for sea duty; those who are specialists in a restricted communication field, such as LANDLINE operation.

WC, USNR. Female communication officers.

SC1, USNR. Communication officers qualified for liaison duties with the commercial communication industry and government communication agencies. Only those who have achieved national prominence in the communication or allied fields are appointed in this classification.

WC1, USNR. The female equivalent of male officers classified SC1.

SC2, USNR. Communication officers who are qualified to perform communication intelligence duties.

WC2, USNR. The female equivalent of officers classified SC2.

SE, USNR. Engineering officers in the following categories: Those whose age, rank (above Lieutenant), and lack of sea-going experience renders it improbable that they will be assigned to engineering billets at sea; those not physically qualified for sea duty; those whose training and experience is centered in such highly restricted branches of the engineering specialty field that they are of value primarily to the engineering organization of the Navy; those who are specialists in the following: Ship repair, fire fighting, petroleum inspection, spare parts, machinery inspectors, compass (gyro and magnetic) and degaussing, ship salvage, radio maintenance, and the highly technical specialties of the electronics field.

WE, USNR. Female officers who are specialists in the technical and/or technical administrative fields within the engineering branch of the Naval Establishment.

SE1, USNR. Engineering officers who are qualified to perform the duties of a naval constructor.

SE2, USNR. Engineering officers who are qualified to perform specialized duties in connection with naval machinery and associated material.

SE3, USNR. Engineering officers who are qualified to perform specialized duties in connection with electrical material.

SE4, USNR. Engineering officers who are qualified to perform specialized duties in Diesel engineering.

SI, USNR. Naval intelligence officers.

WI, USNR. The female equivalent of male officers classified SI.

EO, USNR. Ordnance officers with training and experience in the development, production, maintenance, and, in some cases, the operation of ordnance equipment, or officers with a background in the operation of an ordnance station or activity.

WO, USNR. The female equivalent of male officers classified EO.

EO1, USNR. Ordnance officers who are specialists in a phase of ordnance design.

EO2, USNR. Ordnance officers with broad general training and experience in the maintenance and operation of the whole range of aviation ordnance equipment.

EO3, USNR. Ordnance officers who are thoroughly trained in the design and maintenance of fire control and/or ordnance hydraulic equipment or who have had extensive experience in a navy yard connected with the installation, overhaul, and repair of such equipment.

EO4, USNR. Ordnance officers with broad training in the handling and maintenance of ammunition and ammunition components.

EO5, USNR. Ordnance officers with training and experience in the maintenance of steam and/or electric torpedoes and in some cases with torpedo tubes.

SO6, USNR. Ordnance officers thoroughly trained in the maintenance and operation of any type of underwater ordnance except standard torpedoes.

SL, USNR. Legal officers whose duties are confined solely to legal work.

VL, USNR. The female equivalent of officers classified SL.

2. Staff officers:

CECS, USNR. Civil Engineer Corps officers who are expert in the performance of stevedoring (cargo loading and unloading) operations.

DCS, USNR. Dental officers who are not physically qualified for sea duty, or those with highly specialized training.

DCW, USNR. Female dental officers.

HS, USNR. Medical specialist officers who are specialists in the sciences and specialties which are closely related to the functions of the Medical Corps.

HW, USNR. The female equivalent of male officers classified HS.

HCS, USNR. Hospital corps officers whose qualifications are limited to their particular specialty, such as chemistry, bacteriology, and physiotherapy, etc.

HCW, USNR. The female equivalent of male officers classified HCS.

MCS, USNR. Medical Corps officers in the following categories: Those whose training is so highly specialized that they do not qualify for general duty; those whose age is 50 years or over; and those not physically qualified for unlimited duties.

MCW, USNR. Female medical officers.

SCS, USNR. Supply Corps officers in the following categories: Those who are specialists in duties vital to the functioning of the supply corps such as procurement, cost inspection, machine accounting, packaging transportation, cargo loading, warehousing commissary; those with special qualifications in the administrative field as it relates to the Supply Corps; those not physically qualified for a general service classification.

SCW, USNR. The female equivalent of male officers classified SCS.

CHCS, USNR. Commissioned officers in the Chaplain's Corps who are restricted to the performance of duties within the limitations imposed by medical surveys subsequent to service in combat areas.

SPEC, USNR. Chief warrant and warrant officers (pay clerks of the Supply Corps).

(5) Probationary officers.

1. Staff officers:

HP, USNR. Medical and dental students appointed as probationary ensigns pending qualification for appointment as medical and dental officers in the Regular Navy or Naval Reserve.

(e) Special qualifications in the electronics field will be designated in the manner prescribed in § 14.1204 (e).

(f) Qualifications in submarines will be designated in the manner prescribed in § 14.1204 (f).

(g) Enlisted personnel of the Volunteer Reserve are designated by classes as follows:

V1. Enlisted personnel associated with surface units of the Organized Reserve.

V2. Enlisted personnel associated with aviation units of the Organized Reserve.

V3. Enlisted personnel who are attached to electronics warfare companies and platoons of the Volunteer Reserve.

V4. Unassigned.

V5. Men enlisted in or transferred to this class, for flight training preliminary to appointment to commissioned rank with designation as naval aviator.

V6. Enlisted personnel required for mobilization in addition to the other classes of the Volunteer Reserve.

V7. Unassigned.

V8. Men designated as student aviation pilots for training preliminary to designation as aviation pilot.

V9. Women enlisted as apprentice seaman for training preliminary to appointment to commissioned rank in the Women's Reserve.

V10. Women enlisted for service in the Women's Reserve.

V11. Unassigned.

V12. Unassigned.

(h) Qualifications for submarines will be designated in the manner prescribed in § 14.1204 (h).

§ 14.1207 *Purpose of Merchant Marine Reserve.* The purpose of the Merchant Marine Reserve is to provide a trained force of experienced, seagoing personnel adequately indoctrinated in naval administration and organization, who are available for mobilization and service aboard naval vessels and merchant vessels requisitioned by the Navy in the event of war or national emergency and to provide qualified specialists for service in the Naval Establishment in connection with merchant type vessels.

§ 14.1208 *Composition of Merchant Marine Reserve.* (a) The Merchant Marine Reserve shall be composed of personnel of the Naval Reserve who follow, or who have within 3 years followed the sea as a profession; who are employed in connection with the seafaring profession; or who are desirable for training for service on board public vessels of the United States, or such other seagoing vessels documented under the laws of the United States as may be approved by the Secretary of the Navy.

(b) The officers of the Merchant Marine Reserve shall be divided into classes designated as follows:

DM. Deck officers, qualified for duty afloat or ashore.

DML. Deck officers, not qualified for all duties ashore or afloat.

EM. Engineer officers, qualified for duty afloat or ashore.

EML. Engineer officers, not qualified for all duties ashore or afloat.

DEM. Deck and engineer officers, qualified for general service.

SDM. Special service, deck officers, not qualified for all deck duties, afloat or ashore.

SEM. Special service, engineer officers, not qualified for all engineering duties afloat or ashore.

SDEM. Special service, deck and engineer officers, not qualified for all deck and engineering duties afloat or ashore.

SCM. Supply officers, qualified for duties relating to the Supply Corps.

MCM. Medical officers, qualified to perform the duties of officers in the Medical Corps.

Midshipman MMR. Midshipmen, Merchant Marine Reserve, designated as such for officers training for classes DM or EM. (Specialty designators used by other classes of the Naval Reserve will be assigned by the Bureau, when necessary, to indicate special qualifications.)

(c) An enlisted component of the Merchant Marine Reserve is authorized and will be established when necessary to meet the needs of the naval service. When activated this component will be divided into classes designated as follows:

M1. Enlisted men of the Merchant Marine Reserve procured for service in seagoing vessels or in training for such service.

M2. Enlisted men with salvage or seagoing experience procured for service in the local defense forces, or for salvage work.

§ 14.1209 *Ranks, grades, and ratings allotted.* There shall be allowed in the Naval Reserve the various ranks, grades, and ratings corresponding to those in the Regular Navy, including midshipmen, but not, however, including the grades of vice admiral and admiral. In addition, there shall be allowed the enlisted grade of aviation cadet.

Organization

§ 14.1301 *Organization of Fleet Reserve.* The Fleet Reserve will not be organized during peacetimes, but will be governed in accordance with the provisions of Subpart I of this part.

§ 14.1302 *Organization of the Organized Reserve.* (a) Personnel of the Organized Reserve will be organized into divisions and such other units as may hereafter be authorized for the surface component, and into air groups, squadrons, and other units for the aviation component, except as noted in paragraph (c) of this section.

(b) Except as provided for repeated periods of efficiency of training and administration, divisions may be further organized for these purposes into battalions consisting of from two to four divisions.

(c) Officers and enlisted personnel of the medical department of the Organized Reserve may be assigned to units of the Organized Marine Corps Reserve as directed by the Bureau of Naval Personnel.

§ 14.1303 *The Division.* (a) The Division is the basic unit of organization for the surface component. It will consist of officers and men of the Organized Reserve attached thereto and officers and men of the Volunteer Reserve associated therewith.

(b) The number of enlisted personnel of class 01 attached to each division shall not exceed the number authorized by the Bureau of Naval Personnel for the division as a whole, except that excess numbers may be carried in any lower pay grade to offset vacancies existing in any higher pay grade.

(c) The number of class VI personnel associated with each division shall not exceed the number prescribed from time to time by the Bureau of Naval Personnel.

(d) The number and location of battalions and quotas to be assigned will be promulgated separately in tables of organization. Each division will normally have one officer of the rank of lieutenant commander, and the remainder shall be below that rank. Divisions not attached to battalions will be allowed one medical officer and one supply officer of the Organized Reserve. In addition, subject to the approval of the Bureau of Naval Personnel, officers of the Volunteer Reserve may be associated with divisions.

(e) The division shall be commanded by the senior line officer attached thereto who shall be issued orders as commanding officer by the Commandant. The commanding officers of divisions of the Organized Reserve will ordinarily be limited to a 3-year tour of duty to provide for "Fleeting Up" of junior officers. On completion of the 3-year tour of duty

in this capacity, the said officer will be transferred to the Volunteer Reserve unless an appropriate billet is open on a battalion or brigade staff.

§ 14.1304 The brigade and battalion.

(a) The brigade is an organization of the Organized Reserve authorized when its establishment will result in increased training and administrative efficiency in the densely populated cities where multiple battalions are located. Brigades shall be located and administered, as follows:

(1) The number and location of brigades and the composition of the staff of the brigade commander are promulgated separately in tables of organization.

(2) The brigade commander shall be a line officer normally of the rank of captain designated by the Commandant. He shall be senior to the battalion commanders within the brigade and to the line officers on his staff. The term of duty shall not exceed 3 years.

(3) The relationship between brigade and battalion commanders will be analogous to the relationship existing between a squadron commander afloat and the division commanders within that squadron.

(b) The battalion is an organization of the Organized Reserve consisting of from two to four divisions authorized when its establishment will result in increased training and administrative efficiency. Battalions shall be located and administered, as follows:

(1) The number and location of battalions and composition of the staff of the battalion commander are promulgated separately in tables of organization.

(2) The battalion commander shall be a line officer normally of the rank of commander designated by the Commandant. He shall be senior to the division commanders of the battalion and to the line officers on his staff. The term of duty in this billet shall not exceed 3 years.

(3) The relation of the battalion commander to the division commanders in his battalion is analogous to the relationship existing between a division commander afloat and the commanding officers of the ships of his division.

§ 14.1305 The Squadron. (a) The aviation squadron is the basic unit of organization for the aviation component. It will consist of personnel of the Organized Reserve attached thereto and personnel of the Volunteer Reserve associated therewith.

(b) The number of enlisted men of class O2 attached to each squadron shall not exceed the number authorized by the Bureau of Naval Personnel for the squadron as a whole, except that excess numbers may be carried in any lower pay grade to offset vacancies existing in any higher pay grade.

(c) The number of V2-enlisted personnel associated with each division shall not exceed the number prescribed from time to time by the Bureau of Naval Personnel.

(d) The squadron commander shall be the senior naval aviator attached

thereto and shall be a naval aviator of the Organized Reserve designated by the Chief of Naval Air Reserve Training. Allowance of officers and enlisted personnel will be regulated in accordance with instructions issued by the Bureau of Naval Personnel from time to time. The number of officers and enlisted personnel of the Volunteer Reserve, who may be associated with air groups, squadrons, or aviation units will be regulated in the same manner.

§ 14.1306 Tables of Organization.

Tables of organization will be issued by the Bureau of Naval Personnel indicating locations at which organizations of the Naval Reserve are authorized; the character and composition of the organization at each location and the number of personnel allowed each organization in a drill pay status.

§ 14.1307 Organization of Volunteer Reserve. The Volunteer Reserve will, where practicable, be formed into organizations for training purposes. The Chief of Naval Personnel will, from time to time, authorize the formation of units of the Volunteer Reserve in a drill pay status. Similarly commanders of naval districts, river commands, and the Chief of Naval Air Reserve Training may authorize the formation of such units in a nonpay status.

§ 14.1308 Electronic warfare companies and platoons. (a) Electronic warfare companies and platoons will be formed for training purposes in the Volunteer Reserve pursuant to the provisions of § 14.1307. The Chief of Naval Personnel will promulgate tables of organization prescribing district quotas and complements for such units.

(b) Commandants will designate officers to serve as commanding officers of companies or as officers in charge of platoons.

(c) Electronic warfare companies and platoons which are authorized to train at Naval Reserve armories will be under the command of the senior Organized Reserve unit commander for administrative purposes only. Companies and platoons not training at armories will report directly to the commandants concerned. Platoons will maintain close liaison with larger Naval Reserve drilling units, preferably electronic warfare companies, for administrative assistance.

§ 14.1309 Medical specialists units.

(a) Medical specialists units will be composed of Naval Reserve medical officers qualified as civilian specialists and general practitioners, who, in time of war or national emergency, may be assigned to hospital ships, station ships, base and naval hospitals as staff thereof, or to augment the regular Navy Medical Corps staff.

(b) Each medical specialists unit shall be composed of 12 medical officers and 1 dental officer of the volunteer Reserve. Units assigned neuro-surgical duties shall include 2 or 3 additional medical officers qualified in this specialty.

(c) Medical specialists units shall be composed of 1 each of the following specialists, and 4 general practitioners, 1 of whom will be assigned as "organizer."

- (a) Surgeon.
- (b) Ophthalmo-laryngologist.
- (c) Urologist.
- (d) Psychiatrist.
- (e) Internist.
- (f) Roentgenologist.
- (g) Clinical pathologist.
- (h) Orthopedist.
- (i) General practitioners (four).
- (j) Dentist.

(For Units assigned neuro-surgical duties, two or three neuro surgeons.)

(d) The establishment and disbandment of units shall be governed by the provisions of § 14.1307.

(e) The officer personnel of medical specialists units will be assigned by the Commandants of naval districts or river commands, or by the Chief of the Bureau of Medicine and Surgery, within quotas allocated by the Bureau of Naval Personnel. "Alternates" for the various specialists and general practitioners in each Unit may be assigned. These "alternates" should be younger medical and dental officers qualified as a substitute for the senior member. However, the "alternates" as a general rule, will not be called for service with the Units unless circumstances prevent the principals from serving or unless all "alternates" are required with the Unit. In time of National Emergency and provided their services are not required with the Units these "alternates" may be called to active duty and assigned wherever they are needed.

§ 14.1310 Laboratory research units.

(a) Laboratory Research Units are intended to provide groups of qualified laboratory research workers which in time of war or national emergency will be assigned to hospital ships, base hospitals, or to other medical-department activities to prosecute laboratory research work as required.

(b) Each laboratory research unit shall be composed of medical officers of class MCR, MCS, and the required number of officers of class HS contained within the authorized quotas for such officers; and pharmacists' mates of class V6 considered necessary to accomplish the particular research problems to which the Unit may be assigned.

(c) The establishment and disbandment of such Units shall be governed by the provisions of § 14.1307.

§ 14.1311 Organization of Merchant Marine Reserve.

(a) The Bureau of Naval Personnel may authorize the formation of Merchant Marine Reserve units composed of personnel of the Merchant Marine Reserve.

(b) The number of such Units and their composition will be specified by the Bureau of Naval Personnel.

(c) Whenever practicable an officer of the Merchant Marine Reserve of suitable qualifications will be assigned to the staff of the Director of Naval Reserve in the Bureau of Naval Personnel; and in addition an officer of similar qualifications may be assigned to the staff of the Commandants of the Third, Eighth, and Twelfth Naval Districts. These officers shall maintain liaison with merchant marine personnel, the maritime industry, merchant marine training activities, and allied government agencies in their respective areas.

§ 14.1312 *Naval Reserve intelligence units.* (a) Intelligence units of the Naval Reserve will consist of officers of the classifications SI, ACI, and such other classifications as may be approved by the Chief of Naval Intelligence, and such enlisted personnel as may be assigned.

(b) Commandants of naval districts and river commands will be responsible for supervision and administration of these units. The operation maintenance, and training of the surface intelligence component will normally be handled by the district intelligence officer under the supervision of the district director of Naval Reserve. All air intelligence activities will be under the cognizance of the Chief of Naval Air Reserve Training.

(c) Intelligence units of the Naval Reserve will be administered, operated, and maintained independently of the units of the seagoing Organized Reserve. When directed these units may be authorized as part of the Organized Reserve. At his discretion, the Commandant may divide the district into zones for control of the activities of Naval Reserve Intelligence Units with a Naval Reserve officer as officer in charge of each zone.

§ 14.1313 *Bands.* Where authorized by the Bureau of Naval Personnel a band composed of members of the Volunteer Reserve may be organized for association with a battalion or squadron of the Organized Reserve. This is not to be construed as prohibiting the formation of orchestras composed of members of any branch of the Naval Reserve for recreational purposes.

§ 14.1314. *Special programs.* From time to time the Chief of Naval Operations and the Chief of Naval Personnel may authorize the establishment of Volunteer Reserve organizations, associated with or not associated with the organized units for the purpose of specialized training of the Naval Reserve Personnel who are allied with supplementary communication activities, the naval transportation service, harbor defense, the civil engineer corps, the supply corps, the chaplain corps, the office of the Judge Advocate General, the Bureau of Ships, the Bureau of Ordnance, etc.

Administration

§ 14.1401 *Administration while performing active duty.* Personnel of the Naval Reserve, except as otherwise provided herein, or in accordance with such instructions as may be issued by the Bureau of Naval Personnel, while performing active duty will be governed in the same manner in all respects as are personnel of the Regular Navy.

§ 14.1402 *Administration while on inactive duty.* (a) While on inactive duty, members of the Fleet Reserve will be governed in the manner prescribed in Subpart I of this part.

(b) While on inactive duty members of the Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve will be governed in the manner prescribed in Subparts A to H and J to L, inclusive.

§ 14.1403 *Administrative duties of commanding officers of Naval Reserve organizations.* (a) Each Naval Reserve organization will be administered by its commanding officer in accordance with instructions of the Commandants of naval districts, river commands, and the chief of Naval Air Reserve Training and the rules and regulations set forth herein, and in other departmental publications and orders.

(b) The administrative functions of the commanding officer include matters with respect to discipline, preservation of equipment, pay, clothing accounts, reports, returns, and the keeping of records of the organization.

§ 14.1404 *Administrative duties of Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training.* (a) The Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training, under the supervision of the Bureau of Naval Personnel and other bureaus and offices concerned, are charged with the procurement, administration, training, and readiness for war or national emergency of the Naval Reserve under their jurisdiction. The various activities of the headquarters' staff will perform appropriate functions for the Naval Reserve in the same manner as for the Regular Navy.

(b) *District Director of Naval Reserve.* The Chief of Naval Personnel will assign to duty under the Commandant at naval district or river command headquarters an officer of the active list of the Regular Navy, of the rank of captain, as director of Naval Reserve. As a member of the Commandant's headquarters staff, this officer, under the direction and supervision of the Commandant, will assist the Commandant in the administration of the Naval Reserve activities within the District, except Organized Naval Air Reserve activities and those voluntary activities associated therewith, which will be under the cognizance of the Chief of Naval Air Reserve Training.

(c) *Assistant to the District Director of Naval Reserve.* An officer of the active list of the Regular Navy or an officer of the Naval Reserve of suitable rank will be ordered to duty at district headquarters as assistant district director of Naval Reserve in each district, as deemed practicable by the Chief of Naval Personnel. This officer will perform such duties in connection with the Naval Reserve as may be assigned him by the Commandant.

(d) Officers of the active list of the Regular Navy or officers of the Naval Reserve, junior in rank to the assistant district director of Naval Reserve will be ordered to duty under the District Commandant as practicable by the Chief of Naval Personnel for the purpose of performing duties in connection with the administration of the Naval Reserve.

(e) Members of all classes of the Naval Reserve residing in the District of Columbia, Prince Georges, Montgomery, St. Marys, Calvert, and Charles Counties, Md., and Arlington, Fairfax, Stafford, King George, Westmoreland, and Prince William Counties, Va., and the city of Alexandria, Va., are under the jurisdiction

of the Commandant, Potomac River Naval Command or the Chief of Naval Reserve Air Training as appropriate.

(f) Reservists and retired men residing in the United States possessions not included within limits of naval districts will be under the supervision of Commandants of local naval stations.

(g) Reservists and retired men residing permanently or for periods in excess of 6 months in Asiatic countries will be under the jurisdiction of the Commander, Naval Forces, Philippines.

(h) Reservists and retired men residing in the Republic of Panama will be under the jurisdiction of the Commandant, Fifteenth Naval District.

§ 14.1405 *Administrative duties of the Bureau of Naval Personnel.* The Bureau of Naval Personnel is charged with the procurement, education, training, discipline, and distribution of personnel of the Naval Reserve and with their organization, administration, and mobilization. Accordingly, the principal duties of the Bureau of Naval Personnel may be enumerated as follows:

(a) Determines the number of personnel required from year to year in the various classes of the Naval Reserve to meet the needs of the Navy and their apportionment among the various naval districts for purposes of procurement, administration, and training, within appropriations for these purposes.

(b) Prescribes the details of instructions, training, and other activities of the various units and individuals of the Naval Reserve both ashore and afloat (except aviation training and facilities).

(c) Supervises the appointment, enlistment, or reenlistment of personnel in the Naval Reserve and the transfers of personnel from the Regular Navy to the Naval Reserve.

(d) Supervises discharge and retirements.

(e) Supervises the promotions of personnel in the Naval Reserve.

(f) Supervises the transfer of reservists from one class to another of the Naval Reserve.

(g) Supervises the ordering of the reservists to and from active or training duty.

(h) Keeps the individual records of personnel.

(i) Maintains statistics and records of the drilling and training activities of the various organized units (except aviation) and of the various classes within the various naval districts.

(j) Supervises the annual selection of enlisted personnel of the Naval Reserve for appointment as midshipmen to the Naval Academy.

(k) Supervises the procurement of armories and equipment for shore instruction (except aviation)

(l) Supervises the assignment of shipkeepers for vessels assigned to training the Naval Reserve and determines the number to be so assigned, also the number and assignment of reservists for active duty in connection with the other reserve activities.

(m) Is directly responsible for expenditures under the Naval Reserve appropriation. Determines the amount of money required from year to year for

the Naval Reserve and prepares and presents the Naval Reserve Budget.

(n) Determines, and insofar as practicable carries into execution, the measures that are necessary in time of peace to insure that the personnel of the Merchant Marine shall be of maximum service to the country in time of war.

(o) Carries out, insofar as permitted by the funds and personnel available, the policies relating to the Naval Reserve and apportions the funds and distributes the personnel accordingly.

§ 14.1406 *Quotas of officers and men.* The Bureau of Naval Personnel will publish quotas of personnel of the Naval Reserve from time to time with designations and for purposes as indicated hereinafter:

(a) Allowed quota, Organized Reserve, is the number of personnel in each of the classes of the Organized Reserve (required to perform weekly drills and 14 days' annual training duty with pay).

(b) Allowed quota, Volunteer Reserve, is the number of personnel in each of the classes, V1 and V2, which are authorized to be associated with organized units. Drill-pay status must be specifically authorized by the Chief of Naval Personnel.

(c) Training quota, is the number of personnel of the various classes of the Volunteer Reserve and Merchant Marine Reserve to whom the Commandant or Chief of Naval Air Reserve Training is authorized to give 2 weeks' training duty with pay.

§ 14.1407 *Establishment of units of Organized Reserve.* No units of the Organized Reserve shall be established or abolished without the authority of the Chief of Naval Operations and the Secretary of the Navy nor shall the number of such units in any location be increased or decreased without such authority.

§ 14.1408 *Naval Reserve flag for merchant vessels.* (a) A suitable flag or pennant has been prescribed by the Secretary of the Navy, which may be flown from the mainmast head as an emblem of the Merchant Marine Reserve on seagoing vessels documented under the laws of the United States under the warrant issued for each such vessel by the Secretary of the Navy.

(b) In order to be eligible for such warrant, the vessel must first have been determined by the Chief of Naval Operations as suitable for service as a naval auxiliary in time of war so designated by the Secretary of the Navy and the master or commanding officer and not less than 50 per centum of the other licensed officers must be members of the Navy or the Naval Reserve.

(c) Such flag or pennant shall not be flown in lieu of the National Ensign.

(d) When any vessel which has been authorized to fly the Merchant Marine flag is for any reason no longer eligible to fly same, the warrant of authorization shall be returned to the Chief of Naval Personnel for cancellation.

§ 14.1409 *Naval reserve yacht pennant.* (a) A suitable pennant has been prescribed by the Secretary of the Navy, which may be flown as an emblem of the

Naval Reserve from the foremasthead on yachts and similar vessels documented under the laws of the United States, under a warrant issued for each such yacht or similar vessels by the Secretary of the Navy.

(b) In order to be eligible for such warrant, the yacht or similar vessels must first have been determined by the Chief of Naval Operations as suitable for service as a naval auxiliary in time of war, and so designated by the Secretary of the Navy, and the master or owner must be an officer of the Navy or the Naval Reserve.

(c) Such pennant shall not be flown in lieu of the National (or yacht) Ensign.

(d) When any yacht which has been authorized to fly the Naval Reserve yacht pennant is for any reason no longer eligible to fly same, the certificate of authorization shall be returned to the Chief of Naval Personnel for cancellation.

§ 14.1410 *Accountability for funds.* Officers or enlisted personnel who by virtue of their position in the Naval Reserve obtain and handle any funds intended for or belonging to any Naval Reserve organization or individual thereof shall account for the receipt and expenditure of such funds. Accounts are required for funds such as those received from private sources or from the proceeds of social functions given for the benefit of Naval Reserve organizations or as a result of assessments or contributions by members of the organizations, etc. The commanding officer of the Naval Reserve organization in receipt of funds of this nature will cause an audit of the funds to be made quarterly by a board appointed by him. This board will consist of at least two officers. The audit shall contain a certificate that the cash, as shown on hand, has been counted and verified by the auditing board. Any shortage of funds shall be reported immediately by the commanding officer of the Naval Reserve organization to the Commandant of the naval district, and river command, or to the Chief of Naval Air Reserve Training, as appropriate. These accounts and the audits thereof will then be made a part of the record of the Naval Reserve organization. A report of each audit and of the state of the account will be made to the Commandant of the naval district or the Chief of Naval Air Reserve 10 days after completion of the audit.

§ 14.1411 *Shipkeepers, number allowed.* (a) At the beginning of each fiscal year an allotment of funds under the Naval Reserve appropriation will be made to each naval district, river command, and air station concerned to cover the active-duty pay and allowances required for duty as shipkeepers. The term "shipkeepers" as herein used applies to all class V6 enlisted Reservists on active duty with pay, during peacetime, other than training duty, whether employed afloat or ashore. These shipkeepers will be in the capacity of instructors (armory keepers), instructors (station keepers for air stations), and instructors (shipkeepers for ships assigned permanently for training) Within

their allotment for this purpose, the Commandant and Chief of Naval Air Reserve Training will issue the necessary orders to enlisted Reservists selected for this duty, in accordance with § 14.1705.

(b) The Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training may, within their allotments for this purpose, authorize subsistence allowances or quarters allowances, or both, for enlisted shipkeepers for class V6, in accordance with the provisions of part D, chapter 10, Bureau of Naval Personnel Manual. New authorization will be required in each case upon reenlistment, extension of enlistment, or change of duty, and a copy forwarded to the Bureau of Naval Personnel.

(c) In addition to the foregoing, a specified number of enlisted men of the Fleet Reserve for duty as shipkeepers may be allowed for each naval district, river command, or air station concerned who may be on active duty for this purpose. Requests for payment of subsistence or quarters allowances for these shall be submitted to the Bureau of Naval Personnel for action, the same as for men of the Regular Navy.

(d) When authorized, Regular Navy personnel may be assigned duty as shipkeepers. Requests for payment of subsistence or quarters allowances for these personnel shall be submitted to the Bureau of Naval Personnel for action.

(e) Shipkeepers are to be subsisted in general mess either afloat or ashore when practicable. They shall be furnished quarters either afloat or ashore whenever such quarters are available for them.

Precedence

§ 14.1501 *Precedence; line and staff.* Line officers of the Naval Reserve take precedence with line officers of the Regular Navy, and staff officers with staff officers of the Regular Navy of the same corps.

§ 14.1502 *Precedence of officers on inactive duty.* Except while performing active duty, other than training duty, commissioned and warrant officers of the Naval Reserve of the same rank or grade will take precedence among themselves according to date of commission or warrant; and with respect to officers of the Regular Navy next after the junior of their own rank or grade. Officers of the same date of commission or warrant shall take precedence according to the order in which their names appear on the official precedence list maintained in the Navy Department.

§ 14.1503 *Precedence of officers on active duty during peacetime.* During peacetime, each officer of the Naval Reserve who reports for active duty other than training duty, on or after July 1, 1938, and remains on active duty for 6 months or more, shall take precedence next after that officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date the active duty began is one-half or the nearest one-half of that of the Reserve officer. While continuing on active duty precedence will be determined the same as for the Regular Navy, active duty time counting as full

time. On return to inactive status his precedence with relation to other officers on inactive status would be reestablished in accordance with his current precedence on the active list. In the event the date an officer last reported for active duty should be prior to July 1, 1938, for purposes of precedence he will be considered as having reported for active duty on that date. Thereafter, officers of the Naval Reserve who are advanced to higher grades while performing active duty other than training duty shall, during the continuance of such duty, take precedence among themselves and with other officers of the Navy in accordance with date of such advancement or promotion.

§ 14.1504 Precedence of officers on active duty during war or national emergency. (a) When mobilized with the Regular Navy for war or a national emergency, each officer of the Naval Reserve shall take precedence next after that officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date of the declaration of such national emergency or war is one-half or the nearest one-half of that of the Reserve officer.

(b) In the event the date a Naval Reserve officer last reported for active duty should be prior to the date upon which such war or national emergency was declared or proclaimed by proper authority, he will be considered as having reported on the later date.

(c) A Naval Reserve officer appointed after the declaration of the war or national emergency shall take precedence, upon reporting for active duty, next after the officer of the Navy of the same rank or grade whose length of service in such grade or rank on the date the Reserve officer reports for active duty, is one-half or the nearest one-half of that of the Reserve officer.

(d) When mobilized with the Regular Navy for war or a national emergency, Naval Reserve officers who are advanced to higher grades or ranks subsequent to reporting for active duty, shall during the continuance of such active duty, take precedence among themselves and with other officers of the Navy in accordance with the dates of such advancement or promotion.

§ 14.1505 Details of computing precedence. (a) In the event the computation of one-half of the Reserve officer's service in grade on date of mobilization as provided for in §§ 14.1503 and 14.1504 gives him a date of precedence identical with the date of rank of an officer or a group of officers of the Regular Navy of the line or staff corps of which he is a member, the Reserve officer takes precedence next after the junior officer of the line or staff corps of the Regular Navy, having the same date of rank. If the computation results in a date of precedence for the Reserve officer between the dates of rank of two officers or two groups of officers of the Regular Navy, the following rules shall apply:

(1) If the date for the Reserve officer is exactly midway between two officers or two groups of Regular Navy officers,

or above that point, the Reserve officer shall take precedence next after the junior officer immediately preceding.

(2) If the date for the Reserve officer is below the midway point between two officers or two groups of Regular Navy officers, the Reserve officer shall take precedence next after the senior officer next following.

(b) In case there is no officer of the same rank or grade and corps in the Regular Navy senior in date of rank to the date of precedence of the Reserve officer on mobilization, the Reserve officer shall take precedence next after the senior officer of the Navy in his grade.

§ 14.1506 Relative precedence of officers below grade of ensign. The relative precedence of ensigns, commissioned warrant officers, midshipmen, and warrant officers, is as follows:

(a) Ensigns, United States Navy and United States Naval Reserve.

(b) Commissioned warrant officer, United States Navy and United States Naval Reserve.

(c) Midshipmen, United States Navy.

(d) Midshipmen, United States Naval Reserve.

(e) Midshipmen, Merchant Marine Reserve.

(f) Warrant officers, United States Navy and United States Naval Reserve.

§ 14.1507 Precedence in parades. In parades of forces which include United States troops, the order of precedence will be as follows:

(a) Cadets, United States Military Academy.

(b) Midshipmen, United States Naval Academy.

(c) Cadets, United States Coast Guard.

(d) Regular Army.

(e) United States Marines.

(f) United States Navy.

(g) United States Coast Guard.

(h) National Guard organizations which have been federally recognized.

(i) Marine Corps Reserve.

(j) Naval Reserve.

(k) Other organizations of the Organized Reserve, National Guard, Naval Militia, Reserve Officers Training Corps, and other training units in the order prescribed by the Grand Marshal of the parade.

(l) Veterans and other patriotic organizations in the order prescribed by the Grand Marshal of the parade.

§ 14.1508 Date of rank of former officers of Navy or Coast Guard appointed in Naval Reserve. (a) Former officers of the Navy or Coast Guard who are appointed in the Naval Reserve in the same grades or ranks held in the Regular Navy or Coast Guard as a result of application therefor made within 1 year from date of resignation from the Navy or Coast Guard, shall be given the same dates of rank in their Naval Reserve commissions as held by them in the Navy or Coast Guard.

(b) A former officer of the Regular Navy or Coast Guard appointed in the Naval Reserve in a lower rank or grade than that last held by him in the Navy or Coast Guard, under the provisions of Subpart B of this part, whose application therefor was made within 1 year of

separation from the Navy or Coast Guard, shall be given a date of rank in his Naval Reserve commission as of the date previously held by him in the corresponding rank or grade in the Regular Navy or Coast Guard.

(c) A former officer of the Regular Navy or Coast Guard appointed in the Naval Reserve as the result of application made more than 1 year from date of separation from the Navy or Coast Guard, will be given a date of rank in his Naval Reserve commission as of the date of application therefor.

Physical Examinations and Standards

§ 14.1601 Physical examinations of officers; when required. (a) A candidate for appointment as an officer is required to take a physical examination.

(b) Naval Reserve officers are required to take physical examinations for:

(1) *Promotion.* The candidate must be found physically qualified or have defects waived, prior to commencement of the professional examination.

(2) *Active duty or training duty and release therefrom.* Except as provided for repeated periods of training or other duty, and short periods of group training (see § 14.1605) a Naval Reserve officer is required to take a physical examination prior to or upon reporting for active duty or training duty with or without pay, and to be found physically qualified to perform active duty appropriate to his grade and class. However, prior to issuance of active or training duty orders a Naval Reserve officer must be immunized to certain diseases (see § 14.2409 (a)). Prior to detachment from ship or station for release from active duty or training duty, he shall be given a physical examination to determine whether or not his health has been adversely affected by such active duty or training duty, and appropriate entries shall be made in his health record. The physical examination prior to reporting for active duty or training duty in excess of thirty (30) days shall be reported on Form NAVMED Y in triplicate. This form will be retained with the officer's health record and the result of the physical examination given upon completion of active duty or training duty entered by endorsement thereon.

(3) Quadrennially as indicated in § 14.1602.

(4) *For duty involving flying in actual control of aircraft.* A candidate for appointment, promotion, active duty, or training duty involving actual flying of aircraft, must be examined and found to be physically and psychologically qualified to serve as a pilot of naval aircraft. Report of such examination should be made on Form NAVMED AV-1.

(5) *Special examinations as directed.* Special examinations and examinations by boards of medical survey may be ordered as required or at the request of a Reserve officer to determine his physical fitness for retention, retirement or discharge, or other disposition.

(c) Officers on active duty shall report for physical examination annually in accordance with requirements for officers of the Regular Navy.

§ 14.1602 *Quadrennial physical examinations of officers.* (a) All officers of the Naval Reserve shall be examined physically in the manner prescribed in § 14.1603 once every 4 years, or oftener, as may be deemed necessary, and if upon such examination they are found not physically qualified for active service, they shall be honorably discharged, or, within the discretion of the Secretary of the Navy, placed on the honorary retired list. In determining an officer's qualifications for active service, due consideration shall be given to the character of the duty to be assigned him in the event of war or national emergency.

(b) A physical examination for any purpose covered by § 14.1601 will be deemed sufficient to fulfill the requirements of this article, if properly reported upon NAVMED Form Y or in the case of aviation flight officers upon Form NAVMED-AV-1, accompanied in either case by a fingerprint record NAVPERS 680.

(c) Subject to the provisions of § 14.1607 (d) in case an officer is found not physically qualified upon examination for any purpose by one medical officer, or if upon review of the physical examination by the Bureau of Medicine and Surgery he is found not physically qualified, the report of physical examination shall be referred to a special board of medical officers convened in the Bureau of Medicine and Surgery for consideration and recommendation as to retention in the class of the Naval Reserve to which assigned.

(d) Physical defects considered not to be sufficiently serious to disqualify an officer from the performance of the duties of his rank, corps, and classification, may be waived by the Bureau of Naval Personnel. For 4 years thereafter, additional waivers for the same disability will not be required for the performance of active or training duty or release therefrom, provided the degree thereof has not materially increased.

(e) Commandants concerned and the Chief of Naval Air Reserve Training shall notify all officers of the Naval Reserve under their cognizance at least 60 days in advance of the dates on which they are due for physical examination. If after being so notified an officer has not appeared for examination or submitted a satisfactory excuse for failing to do so within 30 days after the date on which he became due for examination, the Commandant shall submit a report to the Bureau of Naval Personnel in order that the officer concerned may be discharged from the Naval Reserve.

§ 14.1603 *Physical examination of officers; by whom conducted.* (a) Physical examinations of Naval Reserve officers for promotion and physical examinations of candidates for appointments as Naval Reserve officers shall, if practicable, be conducted by boards of medical officers composed of medical officers of the Regular Navy or Naval Reserve or of both. If impracticable to assemble a medical board without incurring mileage or other expense, the physical examination may be conducted by one

medical officer of the Regular Navy or of the Naval Reserve. Reports of such examination shall be reviewed by a board of medical officers convened in the Bureau of Medicine and Surgery, together with the medical history of the candidate on file in the department.

(b) Physical examinations of officers for active or training duty, and release therefrom, and for quadrennial physical examinations shall be conducted by a medical officer of the Regular Navy or Naval Reserve, if available. If a medical officer of the Regular Navy or Naval Reserve is not available without incurring mileage or other expense, quadrennial physical examinations may be conducted by Army or Army Reserve medical officers, medical officers of the Public Health Service or of the Veterans' Administration or, in special cases, by a reputable physician. Reports of such examination shall be reviewed by the Bureau of Medicine and Surgery together with the medical history of the officer on file in the Department.

(c) Those medical officers of the Navy, Naval Reserve, Army and Army Reserve who are qualified to conduct physical examinations for flying are hereby designated as the agencies to conduct these examinations in accordance with the existing instruction of the Bureau of Medicine and Surgery. Reports of such examinations shall be accepted for appointments and promotions without an additional report on NAVMED Form Y.

§ 14.1604 *Physical examinations; enlisted personnel.* (a) Candidates for enlistment or reenlistment in the Naval Reserve shall be examined physically by a medical officer of the Navy or Naval Reserve. If a medical officer of the Navy or Naval Reserve is not available without incurring expense to the Government, such examinations may be conducted by Army or Army Reserve medical officers, medical officers of the Public Health Service or of the Veterans' Administration, if agreeable to such officers upon authorization by the Commandant in each case.

(b) Except as provided for repeated periods of training or other duty and short periods of group training (see § 14.1605) enlisted personnel are required to be examined physically by a medical officer of the Navy or Naval Reserve prior to or upon reporting for active or training duty, with or without pay, and to be found physically qualified to perform active duty. However, prior to the issuance of active or training duty orders, it is required that enlisted reservists must be immunized to certain diseases (see § 14.2409 (a)). Prior to detachment from ship or station for release from active duty or training duty, they shall be given a physical examination to determine whether or not their health has been adversely affected by such active or training duty. Appropriate entries of such examinations shall be made in the health record of the individual concerned.

§ 14.1605 *Physical examination for repeated period of training duty or other*

duty, group training duty, and training duty of 30 days or less. (a) Members of the Naval Reserve whose physical fitness, as determined by physical examination, was a prerequisite to their attachment to or association with authorized drilling units, and who are immunized to certain diseases (see § 14.2509) need not be physically examined in each instance prior to their participation in repeated periods of training duty or other duty or group training, nor upon completion thereof, except where injury, sickness or disease is incident thereto. It is required, however, that reservists authorized to perform duty involving actual control of aircraft shall have passed a satisfactory flight physical examination within six (6) months for volunteer reservists and within twelve (12) months for organized reservists immediately preceding any of the training duty specified above.

(b) Except as provided in paragraph (a) of this section, members of the Naval Reserve who are ordered to perform active duty, training duty or other duty shall not be required to take an extensive physical examination (Form NAVMED Y not required for officers, see § 14.1601) if the tour of such duty is thirty (30) days or less, nor upon completion thereof, except in cases where injury, sickness or disease is incident thereto. The extent of the physical examination to be given shall be sufficient for the medical examiner to determine that the individual is physically qualified to perform the duties assigned. It is required, however, that such personnel must be immunized to certain diseases (see § 14.2509) that reservists authorized to perform duty involving the control of aircraft shall have passed a satisfactory flight physical examination within six (6) months for volunteer reservists and within twelve (12) months for organized reservists immediately preceding any of the active duty, training duty or other duty specified above.

(c) A report of the physical examination referred to in paragraph (b) of this section, shall be recorded in the Health Records of each individual concerned reading, as follows:

Examined and found (not) physically qualified for active (training) duty. Following defects noted _____

Examined and found (not) physically qualified for release from active (training) duty. Following defects noted _____

(d) In the event that officers fail to pass the physical examination required above the provisions of § 14.1607 (b) shall be complied with.

(e) In the event that injury, sickness or disease is incurred by any member of the Naval Reserve while performing active duty, training duty, or other duty, an appropriate entry shall be made in his health record and on his orders, and required reports shall be submitted.

§ 14.1606 *Physical standards.* (a) The physical standards for the Naval Reserve are indicated in the following table:

Branch	Officers		Enlisted personnel	
	With prior service	Without prior service	With prior service	Without prior service
Organized.....	1, 3	1, 2	1, 5	1, 4
Volunteer.....	1, 3	1, 2	1, 5	1, 4
General (limited or unlimited).....	1, 3	1, 2	1, 5	1, 4
Probationary ¹	1, 3	1, 2	1, 5	1, 4
Special (limited or unlimited): ¹				
Ashore detail only.....	6	6		
General detail.....	1, 3	1, 2	1, 5	1, 4
Merchant marine.....	1, 3	1, 2	1, 5	1, 4

¹ See § 14.1206.

Explanation of notes

- 1—Must be physically qualified for duty at sea or on foreign service.
- 2—Must meet the physical standards for appointment in the Regular Navy.
- 3—Must meet the physical standards for promotion required of regular officers of similar age and grade.
- 4—Must meet the physical standards for enlistment in the Regular Navy.
- 5—Must meet the physical standards for reenlistment in the Regular Navy required of Regular Navy personnel of similar age and rating.
- 6—Must be physically qualified to perform duties of their specialty. Any defect which would ordinarily disqualify them for the Regular Navy must be waived (see paragraph 2110, Manual of the Medical Department). Defects which are organic in nature are disqualifying for appointment and will not be waived. An organic disease may be defined, for purposes of these standards, as diseases which are likely to interfere with the performance of the duties ordinarily required of the specialist or to cause frequent admissions to the sick list. Diseases which are recurrent or progressive in nature frequently fall into this classification.

(b) As will be noted in the above table, the physical standards prescribed for the Naval Reserve are, in general, the same as those prescribed for the Regular Navy. Due consideration will be given, however, for prior service, for age in grade or rating and the character of duty to be assigned in time of war or a national emergency.

§ 14.1607 *Reports and records of physical examinations.* (a) The result of every physical examination shall be entered in the Reservist's health record and will become a part of his medical history.

(b) The results of all physical examinations of officers, except for periods of training duty of 30 days or less (see §§ 14.1601 and 14.1605) and other than those for duty involving flying in actual control of aircraft, shall be reported on NAVMED Form Y, sufficient copies being prepared for district records, the original and one copy being forwarded to the Bureau of Medicine and Surgery.

(c) The results of examinations for appointments or duty involving flying in actual control of aircraft shall be reported on Form NAVMED AV-1, sufficient copies being prepared for the activity carrying the individual's records, the original and one copy being forwarded to the Bureau of Medicine and Surgery.

(d) The results of quadrennial physical examinations of officers shall be reported on Forms NAVMED Y or NAVMED AV-1 as the case may be, accompanied by fingerprint record Form NAVPERS 680.

(e) Reports of physical examinations for promotion of officers of the Organized

Reserve and Volunteer Reserve when conducted by medical examining boards shall accompany the proceedings of the professional examination, which shall be forwarded in accordance with § 14.3503.

(f) Reports of all physical examinations for appointment to all classes of the Volunteer Reserve and for promotion in the Merchant Marine Reserve shall accompany the candidate's application.

(g) The reports of medical examining boards shall be made on forms NAVMED Y and NAVMED AV-1, as the case may be. No other papers will be required. These forms should clearly indicate the purposes of the examination at the top of the form, and a notation should appear under the signatures of the medical officers, indicating that they are members of a board.

(h) If an officer is found not physically qualified, the report of the Board of Medical Officers shall be forwarded to the Bureau of Medicine and Surgery via the Commandant concerned or the Chief of Naval Air Reserve Training, as appropriate. The latter shall make appropriate recommendation as to retention, waiver, discharge, or transfer to the honorary retired list or to another class.

Orders to Active and Training Duty

§ 14.1701 *Individual orders to officers for training duty.* (a) Where no flight duty is involved, orders to officers for training duty with pay and allowances, including mileage, may be issued by the Commandants of the naval districts, river commands, and Chief of Naval Air Reserve Training within the training quotas prescribed by the Bureau of Naval Personnel. Orders to training duty involving flying with pay will be issued by the Bureau of Naval Personnel. In submitting requests to the Bureau of Naval Personnel for training duty the Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training shall furnish file number of each officer, the officer's rank, class, home address, and statement as to whether mileage is required and estimate of mileage involved. In the absence of information as to mileage, the orders issued by the Bureau of Naval Personnel will be authorization not involving expense to the Government for travel.

(b) Orders to perform training duty without pay or allowances, including duty involving flying, for officers holding designations as naval aviators or letters of authority to solo naval aircraft, may be issued by Commandants of naval districts, river commands, or the Chief of Naval Air Reserve Training, or under their direction by the commanding officer of the vessel or air station at which the duty is to be performed or by the senior officer present of any naval force.

(c) Orders to perform repeated periods of training duty between specified dates without pay or allowances, including duty involving flying for officers holding designations as naval aviators or letters of authority to solo naval aircraft may be issued by Commandants of naval districts, or by the Chief of Naval Air Reserve Training, or under their direction by the commanding officer where the duty is performed. Such orders should require that the dates of reporting for

and detachment from each period of training duty be indicated by an endorsement.

(d) Upon completion of the period or periods of training duty as covered in the orders, a copy of such orders with all endorsements shall be forwarded to the Bureau of Naval Personnel. Upon completion of training duty with pay, in the cases of officers entitled to remuneration for drills, equivalent instruction or duty, appropriate duties, or compensation for command, a copy of the orders with all endorsements shall be forwarded to the disbursing officer carrying the drill-pay accounts.

§ 14.1702 *Individual orders to enlisted personnel for training duty.* (a) Orders to enlisted personnel for training duty with pay and allowances, including transportation to and from such duty, may be issued by the Commandants of naval districts, river commands, or Chief of Naval Air Reserve Training within the training quotas prescribed by the Bureau of Naval Personnel. Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving and a copy forwarded to the Bureau of Naval Personnel.

(b) Orders to perform training duty without pay or allowances may be issued by Commandants of naval districts, river commands, or Chief of Naval Air Reserve Training or under their direction, by the commanding officer of the vessel or air stations at which the duty is to be performed, or by the senior officer of any naval force.

(c) Orders to perform repeated periods of training duty between specified dates without pay or allowances may be issued by the Commandants of naval districts, river commands, or Chief of Naval Air Reserve Training or under their direction by the commanding officer where the duty is performed. Such orders should require that the dates of reporting for and detachment from each period of training duty be indicated by endorsement.

(d) Upon completion of the period or periods of training duty as covered in the orders, a copy of such orders with all endorsements shall be forwarded to the Bureau of Naval Personnel. Upon completion of training duty with pay, in the cases of enlisted personnel entitled to remuneration for drills, equivalent instruction or duty, or appropriate duties, a copy of the orders with all endorsements shall be forwarded to the disbursing officer carrying drill pay accounts.

§ 14.1703 *Group orders for officers and enlisted personnel for short periods of training duty.* (a) Short periods of training duty without pay of less than 4 days duration may be ordered to be performed by organizations or groups of Naval Reservists in vessels or at Naval Air Stations. They must be ordered in advance for the activity concerned and for each individual participating. Such orders may be issued by the Commandant of naval districts, river commands, and the Chief of Naval Reserve Air Training or under their direction by the commanding officer of the vessel or air station at which the duty is performed. The orders to the various individuals to

perform such duty may be covered in a single set of orders, each individual ordered to perform the duty being named therein their grade, rank, or rating, the class of the Naval Reserve to which they belong and the organization, if any, to which assigned being shown.

(b) Reservists will be considered as in the status of performing training duty without pay from the time of reporting on board under the orders issued in accordance with paragraph (a) of this section, until their debarkation or release from duty status, or until such earlier time as they may have been released from such duty status; except that where the flying of aircraft extends beyond the duty period for the group, those actually engaged in a flight will be considered as in a duty status until completion or return to their station.

(c) Copies of orders for the performance of duty of this character or other reports (other than entries in service records and fitness reports) will not be required by the Bureau of Naval Personnel; but complete records thereof should be maintained by the vessel or air station at which performed or by the organization by which performed or at district headquarters.

§ 14.1704 Release of personnel from active or training duty in time of peace.

(a) Except in the cases of aviation cadets and officers of class A1 and A2, as provided for in Subpart J of this part, in time of peace personnel shall not be ordered to or continued on active or training duty without their own consent. Except as provided for in § 14.6103, they shall be released therefrom on the dates stated in their orders or at such time prior thereto as they may request. Their release from such duty shall be accomplished by the agency issuing the orders thereto.

(b) The Secretary of the Navy may release any member of the Naval Reserve from active or training duty at any time.

§ 14.1705 Orders to personnel to active duty in time of peace. (a) Orders to Naval Reserve officers who are to be placed on active duty other than training duty during time of peace will be issued by the Bureau of Naval Personnel.

(b) Orders to enlisted personnel who are to be placed on active duty, other than training duty, during time of peace, will be issued by the Commandants of naval districts, river commands to which attached, or by the Chief of Naval Air Reserve Training in accordance with quotas for such duty authorized by the Bureau of Naval Personnel. Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving and a copy forwarded to the Bureau of Naval Personnel.

(c) Before being placed on active duty, officers and enlisted personnel shall be physically qualified therefor in accordance with the provisions of §§ 14.1601 (b) 14.1604 (b), 14.1607 (c)

(d) When so placed on active duty, officers and men will devote their whole time to the duty to which ordered.

§ 14.1706 Orders to officers to duty as technicians and scientists. (a) Appropriations made to the various bureaus and offices of the Navy Department for part time or intermittent employment of scientists, technicians, and other personnel in connection with the work of such bureaus and offices shall be available for the active duty pay and allowances of such members of the Naval Reserve as in the discretion of the Secretary of the Navy may be placed on temporary active duty for the purpose of prosecuting such work.

(b) Orders to officers for the performance of the above duty will be issued by the Bureau of Naval Personnel upon the request of the Bureau concerned. Such orders will be issued subject to consent of the Reserve officer to whom issued and will indicate the place at which the duty is to be performed, the dates between which to be performed, the appropriation to be charged, the rate of pay involved, and mileage, if any, allowed.

§ 14.1707 Orders to personnel to active duty in time of war or national emergency. (a) Any member of the Naval Reserve, including those on the honorary retired list or who may have retired, may be ordered to active duty by the Secretary of the Navy in time of war, or when, in the opinion of the President, a national emergency exists, and may be required to perform active duty throughout the war or until the national emergency ceases to exist.

(b) Orders to officers and enlisted personnel for the performance of the above duty will be issued by the Bureau of Naval Personnel or under the Bureau's instructions by commandants or the Chief of Naval Air Reserve Training having cognizance or by other designated officers acting under the Bureau's instructions.

(c) When so placed on active duty, officers and enlisted personnel shall not engage in private employment or enterprise which will interfere in any way with their naval duties.

§ 14.1708 Release of personnel from active duty in time of war. In accordance with the provisions of § 14.1707 (a) personnel of the Naval Reserve performing active duty in time of war shall be released therefrom only in accordance with the instructions of the Bureau of Naval Personnel.

§ 14.1709 Mobilization assignments of Naval Reserve officers and mobilization of the Naval Reserve. (a) Upon mobilization Naval Reserve officers will be ordered to active duty in accordance with their special qualifications. Bureau's or offices of the Navy Department having a primary interest in particular groups of officers will be consulted with respect to the assignment of such officers.

(b) The mobilization of the Naval Reserve, when ordered, will be accomplished in accordance with instructions issued by the Bureau of Naval Personnel in other publications.

§ 14.1710 Endorsements on orders for active or training duty. Orders to training or active duty other than mobilization issued in accordance with §§ 14.1701

(a) and (b), 14.1702 (a) and (b), 14.1705, 14.1706, and 14.1707 shall be endorsed as follows:

(a) Date and hour of receipt of orders, signed by recipient thereof.

(b) Date and hour of departure from address indicated in the orders, in the execution thereof, signed by the recipient of the orders.

(c) Date and findings as result of physical examination, signed by the medical officer conducting the physical examination.

(d) Place, date, and hour of reporting for duty, signed by the commanding officer of the naval activity to whom the orders require recipient to report or by his direction.

(e) Date and findings as result of physical examination prior to release from duty, signed by the medical officer conducting the physical examination.

(f) Place, date, and hour of detachment from duty signed by the commanding officer of the naval activity under whom the duty at time of detachment was being performed, or by his direction.

(g) Date and hour of return to address indicated in the orders, signed by recipient thereof.

§ 14.1711 Procedure when found physically disqualified for active or training duty. (a) Except as indicated in paragraph (b) of this section, the uncompleted portion of orders to active or training duty will be considered as revoked in the event the recipient thereof should be found physically disqualified for the duty indicated herein, unless a waiver of such disabilities should be secured from the Navy Department.

(b) In the event the recipient of the orders has been extended a prior waiver of physical defects, in accordance with § 14.1602 (d) the orders to active or training duty shall so state and shall indicate the disabilities for which the waiver was granted. If the disabilities at time of reporting for duty are essentially the same as to character and degree, the prior waiver will continue to be effective, insofar as the execution of orders is concerned. If the disabilities at time of reporting for duty have increased as to character or degree, the uncompleted portion of the orders to active or training duty will be considered as revoked unless a further waiver should be secured from the Navy Department.

Addresses, Official Residence, Records, Correspondence and Reports

§ 14.1801 Official designation of personnel. (a) In official correspondence orders, etc., where it is important that the classification of officers and enlisted personnel be indicated, they shall be designated in accordance with the current Bureau of Naval Personnel officers and enlisted personnel classification tables in the manner indicated in the following examples:

(1) A lieutenant (junior grade) of class A3 (aviation flight officer of Organized Reserve) Lt. (jg) Paul R. Smith, A3, U. S. N. R.-O.

(2) A lieutenant of class EM (engineer officer of Merchant Marine Reserve) Lt. Robert A. Brown, EM, U. S. N. R.

(3) A lieutenant commander of class MCS (medical officer of Volunteer Reserve, special service) Lt. Comdr. William H. Johnson, MCS, U. S. N. R.

(4) A chief boatswain of class O (chief warrant officer of Organized Reserve), Chief Boatswain Thomas D. Smith, D., U. S. N. R.—O.

(5) A machinist of class E (warrant officer of Volunteer Reserve) Machinist George L. White, E., U. S. N. R.

(6) A nurse of Volunteer Reserve, general service: Nurse Mary E. Peters, U. S. N. R.

(7) An enlisted man of class O1 (a man enlisted in the Organized Reserve (surface branch) for 4-year period or with extended enlistment) John Henry Jones, 130-50-72, C. B. M., O1, U. S. N. R.

(b) When it is unimportant that the class to which they belong be shown, officers and enlisted personnel may be designated merely as members of the Naval Reserve of the line and staff, similarly as for the Regular Navy, in the manner indicated in the following examples:

(1) Lt. (jg.) Paul R. Smith, U. S. N. R.
(2) Lt. Robert A. Brown, U. S. N. R.
(3) Lt. Comdr. W. H. Johnson (M. C.), U. S. N. R.

(4) Machinist George L. White, U. S. N. R.

(5) Nurse Mary E. Peters, U. S. N. R.

(6) John Henry Jones, C. B. M., U. S. N. R.

(c) The use of official naval titles by reserve personnel in inactive duty status is authorized.

§ 14.1802 *Official residence.* (a) "Official residence" is defined as the place of permanent residence or home to which a member of the Naval Reserve, if ordered to active duty, would normally expect to be returned, upon release from active duty.

(b) When first appointed or enlisted, officers, cadets, and midshipmen of the Naval Reserve shall inform the Bureau of Naval Personnel via the Commandants of their naval districts, and enlisted personnel shall inform the Commandants, of the names and official residences of their next of kin. They shall also report in a similar manner any changes in name or residence of next of kin.

(c) Members of the Naval Reserve may change their official residences at will, except that prior approval of the Bureau of Naval Personnel is required to change official residence to a place outside the territorial limits of the United States.

(d) Officers of the Naval Reserve shall report any change of official residence to the Bureau of Naval Personnel via the commanding officer of their organizations and the Commandants of their naval districts or the Chief of Naval Air Reserve Training, as appropriate, in which their records are carried if not on active duty or, if on active duty, via their commanding officers. The Commandant of naval districts or river commands will be the commanding officers of officers who are not attached to or associated with authorized units of the Naval Reserve.

(e) Enlisted personnel attached to or associated with authorized drilling units

of the Naval Reserve will inform their commanding officer of any changes in their addresses, or, if not so attached, will report such changes to the Commandant of the naval district or river commands in which they reside.

(f) The form shown below should be followed:

2536 JULY 1, 1942.
From: Lieutenant John H. Jones, DE, U. S. N. R., 501 West 113th St., New York, N. Y.
To: The Chief of Naval Personnel.

Via: The Commandant of the THIRD Naval District.

Subject: Change of official residence.

Reference: (a) Bureau of Naval Personnel Manual, Art. H-1802.

1. In compliance with reference (a), I request that my official residence be changed—
From: 501 West 113th Street, New York, N. Y.

To: The Westminister, 17th and Que Sts. NW, Washington, D. C.

(S) J. H. JONES.

Distribution:

Original: BuPers

Copies: Comdt. N. D. (1st to Comdt. of Naval District from which moving, 2d to Comdt. of naval district to which moving.)

Bureau concerned.

My file.

(g) The Bureau of Naval Personnel will maintain up-to-date records of officers addresses.

(h) When any change of official residence reaches the Commandant's office the district records shall be corrected and any transfer of records necessitated thereby effected. The letter transmitting the records should state the new address of the Reserve officer.

(i) When notice of a change of official residence is received in the Bureau of Naval Personnel, the records of the Bureau will be corrected accordingly.

(j) When members of the Naval Reserve are residing outside of the United States for indefinite periods, they must report their addresses to the nearest United States naval attaché and keep him informed of any change therein.

§ 14.1803 *Retired officers, members of Fleet Reserve and retired enlisted personnel on inactive duty, to report changes of official residence.* All retired officers, members of the Fleet Reserve, and retired enlisted personnel, on inactive duty, shall notify the Bureau of Supplies and Accounts, Field Branch (Special Payments Division) of changes of official residence to which checks are to be mailed, using special forms for this purpose which are obtained from this source.

§ 14.1804 *Permission to leave the United States.* (a) Members of the Naval Reserve not on active duty are required to obtain permission to leave the United States, for periods in excess of 30 days, from the Bureau of Naval Personnel in time of war or from the Commandant of their naval district in time of peace, except as indicated below.

(1) Members of the Naval Reserve employed in the United States merchant vessels or American-owned vessels under friendly foreign registry, or engaged in flying aircraft of commercial air lines of the United States, will not be required to obtain permission to leave the

United States while following their profession.

(b) Copies of letters granting permission to members of the Naval Reserve to leave the United States issued by Commandants of naval districts shall be forwarded to the Bureau of Naval Personnel.

(c) Members of the Naval Reserve on active duty will be governed by the same instructions as apply to personnel of the Regular Navy.

(d) When a member of the Naval Reserve is granted permission to leave the United States for travel or residence in a foreign country, such member shall report by letter or in person to the American naval attaché, or the senior naval officer in the places visited or in the nearby vicinity.

(e) Upon return to the United States following an absence authorized by the Bureau or Commandant, an officer of the Naval Reserve shall report the date of his return to the Bureau of Naval Personnel via the Commandant, and an enlisted person shall report the date of his return to the Commandant of his naval district.

(f) Members of the Naval Reserve on inactive duty may not visit belligerent countries unless authority to do so is granted by the Chief of Naval Personnel.

§ 14.1805 *Merchant Marine Reserve;* changes of employment. Officers and midshipmen of the Merchant Marine Reserve, not on active duty, shall report changes of employment to the Bureau of Naval Personnel via the Commandants of their naval districts.

§ 14.1806 *Passports.* Members of the Naval Reserve who leave the United States to visit foreign countries where it is necessary to have passports, should forward a copy of their authority to leave the United States to the State Department with their applications for passports.

§ 14.1807 *Service records; preparation of, entries in and disposition of.* (a) The entries indicated in this section shall be made in the service record, NAVPERS 601. It is important that the detailed instructions given below be carefully studied and complied with and that all information entered be complete and accurate.

(b) The service record shall give the full name, including all Christian names of the man. The service number assigned shall be entered on the top of the cover of the service record. The record must be signed in ink by the commanding officer quarterly, and upon transfer, discharge, desertion, or death.

(c) Service records shall be stamped on the back cover with the following words: "In case of death, discharge, desertion, or release from active service, this record shall be returned at once to the Commandant, _____ Naval District _____ (give address.)" Except as provided for in § 14.1809, the Reserve service record will be retained in the files of the district until man's discharge or death, at which time it will be closed out and forwarded to the Bureau of Naval Personnel.

(d) There shall be entered on the appropriate pages of the service record all

periods of active duty, training duty (with or without pay) short volunteer cruises, changes in rank, rate, address or class, transfers between ships or stations, transfers from one district or organization to another, discharges, deaths, desertions, surrenders and deliveries, appointments to commissioned or warrant rank or grade, or other changes in a man's status.

(e) All entries shall preferably be typed. Routine entries may be made by rubber stamp, the division commander procuring the required stamps suitable for his division.

(f) Detailed instructions for Reserve Service Records, NAVPERS 601.

A

Absence from duty. Enter on page 6 dates of absence from duty on account of sickness or injury, result of own misconduct, AOL, AWOL, desertion, and nonperformance of duty because imprisoned, both while in arrest resulting in court-martial sentence and while serving sentence. These entries will only be made when man is absent while serving on active duty or training duty.

Active duty and training duty. See Duty. **Address.** Enter on page 9 any change in man's address.

Appointments to commissioned or warrant rank or grade. Enter on page 9 date of appointment, rate held at date of appointment, rank or grade to which appointed, and date of acceptance of commission or warrant. Enter final marks on page 12. Close out record as of date preceding acceptance of commission or warrant and forward to the Bureau of Naval Personnel.

Appropriate duties. Make entry on page 9 at end of quarter and upon transfer from one district to another, death, discharge, or transfer to another class of the Naval Reserve, of the total number of periods of appropriate duty performed.

Aviation and balloon pilot. Enter on page 9 date qualified and designated as naval aviation or balloon pilot.

B

Birth. Enter date and place of birth on page 2. Make any correction in date or place of birth on page 2 and file copy of birth certificate or letters of authorization in pocket of service record.

C

Change in name, address, next of kin, etc. Make correction where necessary. Enter on page 9 change, date and authority. File letters of authority in pocket of service record.

Change in rating. Enter on page 9 date of change (old rate or new rate) and reason or authority for rating or disrating.

Checkage. Enter on page 9 reason for checkage, date, and amount checked while on active or training duty.

Citizenship. Make entry on page 2 showing citizenship to be "U. S.," "N. U. S.," "C. I. P.," If naturalized while in the service, enter on page 9 date of naturalization, name, and location of court which granted certificate of naturalization.

Clothing destroyed to prevent spread of disease. Enter on page 9 notation of circumstances and estimated value of articles destroyed while on active or training duty.

Clothing issued. See Uniform.

Clothing lost or destroyed in a marine or airplane disaster. Enter on page 9 estimated value of articles lost and, if reimbursed in cash, amount of reimbursement. If issued clothing in kind, the value of issue, if on active duty or training duty.

Coast Guard Service. Enter on page 1 the amount of Coast Guard Service.

Commended for distinguished or meritorious service. Enter on page 9 a brief state-

ment of commended act or duty, date, and by whom commended.

Commuted rations. Enter on page 9 date of receipt of commuted rations and date of discontinuance.

Conduct. Enter on page 9 a brief statement of all special and meritorious conduct worthy of mention. Enter on page 8A marks in conduct, quarterly, while on active duty and upon release from active duty. The whole page may be used to record the marks and special qualifications and details, disregarding the other headings.

Court martial. Enter on page 9 date, nature of offense committed, date of trial, sentence, and action of the convening authority on deck courts and general courts martial and of convening authority and the immediate superior in command on summary courts martial with the date of such action.

D

Death. Make appropriate entries of death on front cover and page 11. Enter on page 12 a summary of all ships or stations to which deceased had been attached and final average in all marks. Enter on page 9 date, place, and cause of death if known, and whether death was caused by the intemperate use of drugs or alcoholic liquors and other misconduct. If death occurs while on active duty, character of discharge that would have been awarded had service been terminated by discharge, disposition of remains and effects, place of burial if known, state of accounts, amount of insurance, and date of last checkage. Forward the service record to the Bureau of Naval Personnel.

Report in accordance with article, H-7301 (see § 14.7301) should be submitted to the Employees' Compensation Commission in case of death resulting from physical injuries.

Delivery. If on active duty or training duty, enter on page 9 date and place of delivery and by whom delivered. Forward copy NAVPERS 641 to the Bureau of Naval Personnel.

Descriptive list. Enter required information on page 4, signed by medical officer and the recruit.

Desertion. Enter on page 9 date declared a deserter, date and hour unauthorized absence commenced and any facts in connection with the unauthorized absence which might show whether the intention was to desert or return, and, if on active duty, state of accounts. Make appropriate entries of desertion on page 11 and forward the service record to the Bureau of Naval Personnel. (No entry regarding desertion made on front cover.)

Disability. Enter on page 9 record of any disability incurred while serving in the Naval Reserve, on active duty or training duty or while attending drills, nature and whether incurred in the line of duty or the result of own misconduct.

Discharges. Make appropriate entries on front cover and page 11. Enter on page 12 a summary of all ships or stations to which man has been attached and final average in all marks. Enter on page 9 date, place, cause authority, character, whether or not recommended for reenlistment, if on active duty rate of pay and statement of account. Close out service record and forward to the Bureau of Naval Personnel.

Drills. Enter on page 8A at the end of quarter or upon transfer from one district to another, death, discharge, or transfer to another class and total number of drills performed.

Duty. Active, training, shipkeeper. Enter on page 9 recall to active, training or shipkeeper duty, giving date and place of recall, and if training duty whether with or without pay; date and place of report, and ship or station where duty is performed. Enter chronologically any change in status while on active duty. Enter on page 8A quarterly

marks and any special qualifications or details. When released from active duty, and reporting to permanent ship or station, enter date, and forward copy of page 9 to the Bureau of Naval Personnel.

E

Education. Enter on page 2, upon enlistment, a brief statement of educational advantages.

Effects of deceased persons and deserters. Enter on page 9 disposition made of effects of deceased persons and deserters and whether they were on active duty or training duty. If on active duty complete page 11A (NavForm 514).

Enlistments, assignments to class F2 and transfers to classes F4 and F5 Fleet Reserve. Enter by typewriter on front cover full name, service number, citizenship, rate, date, class, place of enlistment, assignment, or transfer. Complete headings on pages 1 and 2, with signatures of recruiting officer and disbursing officer entered over their typewritten name in spaces provided. Page 4 completed under the supervision of the medical officer and signed by the officer and the recruit. On page 9 enter name in full, service number, class, rate, and date of enlistment, assignment or transfer.

Equivalent instruction or duty. Enter on page 8A, together with the number of drills performed (see Drills), the number of periods of equivalent instruction or duty performed. Enter quarterly, or upon transfer from one district to another, death, discharge, or transfer to another class, total number of drills and periods of equivalent instruction or duty performed since last report.

Examinations. Forward original report of examination to the Bureau of Naval Personnel as required by current instructions and file copy in pocket of service record.

Extensions. Make agreement to extend enlistment (NAVPERS 634) in duplicate. Forward original to the Bureau of Naval Personnel on effective date of extension and file duplicate in service record. Make notation on page 9 showing date made, effective date, date of expiration, and number of years for which extension is made.

F

Fingerprints. Make fingerprints of each finger upon enlistment, on page 3. Forward identification record to the Bureau of Naval Personnel.

Flight orders. Enter on page 9 the date detailed to duty involving flying and date and cause of revocation if revoked before termination of duty. If on active duty, enter on page 9 at the end of each month and on date of revocation of flight orders.

I

Identification. See Fingerprints.

Injury. Enter on page 9 report of all injuries sustained by men while serving on active duty or traveling under competent orders or in the performance of drills, giving cause, date, nature, and whether or not incurred in the line of duty. Make report required by article H-7301 (see § 14.7301).

Interpreter. Enter on page 2, name of foreign language or languages for which qualified to act as interpreter.

L

Letter of commendation. Enter on page 9 a brief digest of all letters of commendation, by whom commended, act or duty for which letter is given, date of act, and date of letter. File copy of letter in pocket of record.

M

Marks. Enter on page 8A marks quarterly while on active duty and upon release from active or training duty. Men not on active duty may, in the discretion of the commanding officer, be marked annually on January 1st and at such other times, not to exceed

once each quarter, as is necessary to indicate their efficiency. Enter final average of all marks on page 12 upon death, discharge, appointment to commissioned or warrant rank and retirement, as set forth in part D, chapter 4, Bureau of Naval Personnel Manual.

Medals. Enter on page 9, when the man is awarded any of the decorations, medals, or badges listed in part A of the Bureau of Naval Personnel Manual.

Misconduct. Enter on page 6, if on active duty, all absence from duty on account of sickness, disease, or injury, due to intemperate use of drugs, alcoholic liquors, or other misconduct, date admitted to sick list, number of days absent from duty, nature of disease or injury, and date of initial appearance of sickness or disease.

N

Name. Type in full, surname first, followed by christian name and middle names, if any. Have signatures entered with christian name to the left, middle names, if any, and surname to the right.

Nonperformance of duty. Enter on page 6 dates of all absences from or nonperformance of duty on account of sickness, disease or injury resulting from intemperate use of drugs, alcoholic liquors, or other misconduct, AWOL, AOL, time under arrest awaiting trial which results in conviction and sentence to a naval confinement activity (or at a receiving ship or station or other place designated as a place of confinement for naval personnel), and time under court-martial sentence in any of the aforementioned naval confinement activities.

Enter number of days absent, number of days under arrest awaiting trial, number of days under court martial, sentence, date restored to duty and number of days lost because of nonperformance of duty.

Date absence began is considered a day of absence, date of return is considered a day of duty.

O

Offenses. Enter on page 9 nature of offense and punishment adjudged.

P

Pay. When ordered to active duty or training duty with pay the supply officer taking up his accounts will enter on page 2 rate of pay upon enlistment; also enter information required by headings on page 11 upon discharge, desertion, death, and retirement.

Physical examination. Enter result of all physical examinations of transferred 16- and 20-year men on page 9.

Pilots. See aviation and balloon pilots.

Pocket. File all copies of reports of examination, agreements to extend enlistments, proceedings of all courts martial, vouchers, and correspondence relating to the man in pocket attached to the service record.

Prior service. Enter on page 1 all prior service in the Army, Navy, Naval Reserve Force, Naval Reserve, National Naval Volunteers, Marine Corps, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard, Naval Militia, National Guard, and Naval Auxiliary Service.

Punishments. Enter on page 9 reports of all punishments adjudged.

Q

Qualifications. Enter on page 2 any special qualifications many may have, upon enlistment, assignment, or transfer to the Reserve from Regular Navy.

R

Ratings. See Change in rating.

Recall. See Active duty.

Reduction of rating. Enter on page 9 old rating, rating to which reduced, date, reason, and authority.

Reenlistments. Same as enlistment.

Reports. The only reports required by the Bureau of Naval Personnel of entries in the

enlistment record, or of changes in the status of enlisted Reservists, are the following:

1. **Enlistment.** Upon enlistment, complete NAVPERS 603 (shipping article) and NAVPERS 630 (fingerprint record) and forward to the Bureau of Naval Personnel, also when applicable, NRB Form 24 (application for enlistment) and NAVPERS NRB 18a (consent of parent or guardian).

2. **Active duty and training duty.** At date of release forward copy of "orders to report to active duty" to the Bureau of Naval Personnel, complete with all endorsements.

3. **Transfer between classes (enlisted men).**

4. **Notice of rating or disrating (enlisted men).**

5. **Change of address.**

6. **Active duty as shipkeeper training duty over 2 weeks, and other protected periods of active duty.** On date of report for duty make entry on page 9 and forward copy to Bureau of Naval Personnel. On date of release do same.

7. **Examinations.** Forward original report of examination NAVPERS 971 to the Bureau of Naval Personnel as required by current instructions; file copy in pocket of record.

8. **Desertion.** Make required entries in service record, Form NAVPERS 601 and forward to the Bureau of Naval Personnel.

9. **Surrender or delivery.** Fill out NAVPERS 641 and forward to the Bureau of Naval Personnel.

10. **Extension of enlistment.** Fill out Form NAVPERS 604 in duplicate, forward original to the Bureau of Naval Personnel on effective date of extension and file copy in service record.

11. **Discharge, death, advancement to commissioned or warrant rank or grade.** Close out NAVPERS 601 and forward to the Bureau of Naval Personnel.

Retirements. When transferred members of the Fleet Reserve have been placed on the retired list, or other members of the Naval Reserve have been placed on the honorary retired list, enter on page 9 the date of retirement, reason for retirement, whether for physical disability or the completion of 30 years' service and the latest address. Enter final average of all marks on page 12 and forward copy to the Bureau of Naval Personnel.

S

Service number. Enter service number in places designated.

Service records. See subparagraphs 1 to 5 at beginning of this article.

Shipkeeper. Enter on page 9 upon recall to active duty as shipkeeper date of recall, date and place of reporting, and record of service while assigned as shipkeeper. Enter marks on page 5A. Make an extra copy of the orders to report for active duty and forward to the Bureau of Naval Personnel on date of reporting. Forward a second copy on date of release from active duty.

Signature of Reservist. Have signatures entered with Christian name to the left, middle names, if any, and surname to the right.

Signature required in service record. The signature of recruiting officer is required on page 2 at date of enlistment.

Signature of commanding officer is required on page 9 quarterly, and for each entry regarding change of rating, courts martial, commendatory action, offenses committed, and punishments awarded, when record is transferred to another district.

Signature of commanding officer is required on pages 11 and 12 when record is closed out on account of cancellation, discharge, desertion, death, appointment to commissioned or warrant rank or grade or retirement.

Signature of the commanding officer is required on page 6 for entries regarding absence from duty.

Initials of executive officer are required on page 5A for entries regarding marks, special qualifications, or detail.

Signature of executive officer is required on page 5 for entries regarding authorized leave.

Signature of medical officer is required on page 4 at time of enlistment.

Signature of disbursing officer is required on page 2 when Reservist first reports for active duty.

Signature of Reservist is required on page 4 at date of enlistment.

Subsistence allowance. Enter on page 9 date subsistence allowance began, authority, amount, date discontinued, and reason.

Surrender. Enter on page 9 date and place of surrender and number of days absent. Forward copy of NAVPERS 641 to the Bureau of Naval Personnel.

T

Training duty. See "Duty."

Transfers. Enter on page 9 record of all transfers between vessels or stations and from one district to another; also record of transfer between classes of the Naval Reserve. (See par. 6 under Reports.)

Transportation or travel allowance. Enter on page 9 a record of all transportation or travel allowance furnished. Enter on page 11 record of transportation or travel allowance furnished on discharge if discharged while on active duty.

U

Undesirable discharge. In addition to all information specified under "discharge" in these instructions, state the nature of the undesirability or unfitness on page 9 and file copy of the statement of the man in pocket of service record.

Uniform allowance. The amount of uniform allowance credited upon reporting for active duty in time of war will be entered at bottom of page 2 by the disbursing officer over his signature.

Uniform, bedding, and equipment. Enter requisition number and date, value of clothing issue, list of articles issued and date delivered to reservist (except when paid for in cash) on page 9. (Temporary issue of bedding and equipment need not be entered.) File copy of requisition showing issue in detail in pocket of service record. Upon discharge or transfer to class V6, enter on page 9 a complete list of uniforms, bedding, or equipment returned indicating their condition and final disposition.

W

Waiver. Enter full information on page 4, giving authority for, reason and nature of waiver upon enlistment. Enter waivers of transportation on page 9, giving reason, file signed agreement in pocket of service record.

§ 14.1803 Marks for professional qualification. Marks for professional qualifications shall include proficiency in rating and other qualifications for the various branches as specified in part D (BuPers Manual)

§ 14.1809 Custody and disposition of records. (a) The custody of Reservists' records, and instructions relative thereto, is explained in the table immediately below and in the notes following immediately thereafter.

Records	COMDTs	CNARSes	Unit commanders other than class V6 reservists	Electronic war fare platoons
File jackets, officers'.....	1.8	5	-----	-----
Qualification record jacket, officers'.....	2.8	5	-----	-----
Health records, officers'.....	3.8	-----	0	7
Health records, enlisted.....	3.8	-----	0	7
Service record, enlisted.....	4	-----	0	7

EXPLANATION OF NOTES

1. For all officers of the Naval Reserve (including those on the retired and honorary retired lists), except those attached to or associated with drilling units of the aviation component, and those residing outside the continental limits of the United States or its possessions for an indefinite period.
2. For all officers of the Naval Reserve in an inactive duty status (including those on the retired and honorary retired lists), except those attached to or associated with drilling units of the aviation component, and those residing outside the continental limits of the United States or its possessions for an indefinite period.
3. For all officers and enlisted personnel (including Fleet Reservists) of the Naval Reserve in an inactive duty status, except those on the retired lists, those attached to or associated with drilling units (other than electronic warfare platoons), and officers residing outside the continental limits of the United States for an indefinite period. (Health records of retired personnel shall be in the files of BuMed).
4. For all Reservists in an inactive duty status (including Fleet Reservists and retired personnel) who are not attached to or associated with drilling units of the Naval Reserve.
5. For all officers who are attached to or associated with drilling units of the aviation component.
6. For all officers and enlisted personnel attached to or associated therewith.
7. Health records of officers and health and service records of enlisted personnel shall be in the custody of the Commandant, except that they shall be forwarded to the units concerned immediately prior to annual training duty periods. They shall be returned to the Commandant immediately thereafter.
8. The records of officers of the Merchant Marine Reserve shall be carried in the districts out of which the vessels, in which they are employed, usually operate, or in cases where vessels regularly operate from ports in two or more districts, in that district in which is located the owners' or operators' main office. When a change of employment indicates that transfer of records to another district may be necessary, Commandants will, prior to taking such action, ascertain from the officer concerned whether new employment is permanent. The records of officers who have been unemployed on any vessel for a period of 6 months shall be forwarded to the Commandant controlling the area of their new official address.

(b) Disposition of Reservists' records, subsequent to various changes in their service status, is indicated in the table immediately below and in the explanation of notes following immediately thereafter.

Status change	Officers' file jackets	Officers' qualification record jackets	Officers' health records	Enlisted health and service records
Active duty:				
Reporting for.....	14	17	25	25
Release from.....	15, 23	18	23	23
Address, change in one district to another.....	12	12	23	23
Aviation units:				
Transfer to.....	9	9	10	19
Transfer from.....	10	10	20	20
Death.....	11	11	22	22
Discharge.....	11	11	22	22
Surface units:				
Transfer to.....	15	15	19	19
Transfer from.....	15	15	20	20
Foreign residents leaving United States to establish permanent. (See §§ 14.1404 (e) and 14.9303).....	13	13	24	24
Navy, appointment to officer rank in regular.....	11	17	17	21
Resignation.....	11	11	22	22
Retirement.....	15	15	21	21
Training duty:				
Reporting for.....	16	16	25	25
Release from.....	16	16	27	27

EXPLANATION OF NOTES

9. Commandant forwards to CNAResTra.
10. CNAResTra returns to Commandant formerly having custody. If address of officer has changed from one district to another, the Commandant shall be informed of the officer's new address in order to permit further disposition of records.
11. Destroy.
12. Commandant (having custody) forwards to Commandant controlling area of officer's new official address. CNAResTra (having custody) follow procedure outlined in note 10.
13. Commandant (having custody) forward to BuPers for SPECIAL FILING. CNAResTra (having custody) return to Commandant formerly having custody for forwarding to BuPers for SPECIAL FILING.

14. Commandant (having custody) retains. CNAResTra (having custody) follow procedure outlined in note 10.

15. Commandant retains.
16. Commandant (having custody) retains. CNAResTra (having custody) retains.
17. Deliver to officer concerned.
18. Officer concerned forwards to Commandant having custody of his file jacket.
19. Commandant forwards to unit concerned, via aviation unit via CNAResTra; surface units via battalion commander, or direct, as appropriate.
20. Units forward to Commandant, via aviation units via CNAResTra; surface units via battalion commanders, or direct, as appropriate.
21. Commandant forwards health records of officers and enlisted personnel to BuMed; retains service record of enlisted personnel. Observe further instructions in note 23 if appropriate.
22. Commandant forwards health records of officers and enlisted personnel to BuMed; retains record of enlisted personnel to BuPers. Observe further instructions in note 23 if appropriate.
23. Commandant having custody forwards to Commandant controlling area of Reservists new official address. Observe further instructions in note 23 if appropriate.
24. Commandant forwards officer's health record to BuMed, retains service and health records of enlisted personnel pending termination of their terms of enlistment. Observe instructions in note 23 if appropriate.
25. Deliver health record to officer concerned; forward service and health records of enlisted personnel to ship or station where duty is to be performed.
26. Officer returns health record to Commandant having custody of file jacket. Service and health records of enlisted personnel are forwarded to Commandant controlling area of their present official residence.
27. Officer concerned returns his health record to the unit commander of the Reserve unit to which attached or with which associated, or, if no member of such unit, he returns it to the Commandant having custody of his file jacket. The disposition of the service and health records of enlisted personnel will be identical with the above, except that the records will be forwarded via official channels.
28. Where reference is made to this note, the following procedure will govern where appropriate.
Action units.—Forward records to CNAResTra for forwarding to Commandant controlling area of officer's present official address.
Surface units.—Forward records to Commandant via official channels.
29. Each reserve officer shall inform the Commandant who formerly had custody of his file jacket of his return to inactive status and of his present official address. Commandant so informed will follow procedures prescribed elsewhere in this article in order that custody of officers' file jackets may be continued, transferred, or secured, as the case may be. In this connection, attention is invited to the fact that in time of war or national emergency the custody of Naval Reserve officers' file jackets may be transferred from the commandants to the nearest Naval Records Management Centers.

§ 14.1810 *Fitness report and qualification questionnaire; officers.* (a) An officer's records are a vital part of his examination for promotion, or for assignments to another service classification, and the naval examining board is within its legal rights in disqualifying an officer whose record is incomplete.

(b) Fitness reports, complete in all respects, are required as follows:

(1) Officers on active or training duty (with or without pay) other than short periods of group training, on the fitness report form currently prescribed for the Regular Navy.

(2) Officers attached to or associated with units of the Organized or Volunteer Reserve will submit as of June 30 of each year an Annual Fitness Report for Naval Reserve Officers on Inactive Duty (Form NavPers 937) in duplicate, and an Annual Qualifications Questionnaire for Naval Reserve Officers on Inactive Duty (Form NavPers 319), in triplicate, to their reporting seniors for completion and forwarding direct to the Bureau of Naval Personnel. Copies of both of these reports shall be forwarded to the Commandants concerned or to the Chief of Naval Air Reserve Training, as appropriate, for filing as follows: Fitness reports in officers' file jackets; qualification questionnaires in officers' qualification record jackets (Form NavPers 305)

Officers not attached to or associated with units of the Naval Reserve shall, annually, upon receipt of the necessary forms from the Commandants concerned, submit only the Annual Qualification Questionnaire for Naval Reserve Officers on Inactive Duty (Form NavPers 319), in triplicate, to the Commandant having custody of their records for forwarding to the Bureau of Naval Personnel. The last carbon copy will be retained by the Commandants for inclusion in the officer's qualification record jacket (Form NavPers 305).

(3) All active and training duty fitness reports (form prescribed for Regular Navy) shall be forwarded by the reporting officer direct to the Bureau of Naval Personnel. The fitness report "Work Sheet" shall be forwarded to the Commandants concerned or to the Chief of Naval Air Reserve Training, as appropriate.

(c) When an officer who is attached to one district performs training duty in another district, the Commandant of the district in which the duty is performed shall forward the fitness report and work sheet to the Commandant of the district in which the Reserve officer's records are carried. In the case of aviation officers the commanding officer of the activity at which the duty is performed shall forward a fitness report and work sheet, indicating thereon the amount of syllabus time completed, to the Chief of Naval Air Reserve Training.

(d) If any fitness report referred to in this article contains entries of an unsatisfactory or unfavorable nature, it shall be referred by the reporting senior to the officer reported on, for statement, before the report is forwarded for filing with his record. Failure to recommend the officer for promotion is not of itself unfavorable. Reporting seniors are encouraged to refer reports to officers for their inspection even though not considered unsatisfactory or unfavorable, whenever knowledge of such remarks based on lack of experience, etc., would be helpful to the officer in improving his fitness.

(e) Recommendations as to any action desired, such as discharge, transfer, or retirement, will not be included in the forwarding endorsements on annual fitness report forms, but shall be made the subject of separate correspondence.

(f) In forwarding annual fitness reports for officers associated with units of the Organized Reserve, the reporting senior shall state whether or not the officer concerned has applied, while in a volunteer status, for training duty during the period since last report, and, if refused, the reasons for such refusal. Such data included in one annual fitness report need not be repeated in the next annual fitness report. A summary of such information shall be included in forwarding endorsements on applications for promotion, or on special fitness reports at the time of examination for promotion.

§ 14.1811 *Official channels for correspondence.* (a) Whenever an officer or man of the Naval Reserve finds it necessary to write a letter on an official sub-

ject to one of the Bureaus of the Navy Department or to other authority higher than the commanding officer of the organization to which attached, the letter shall be routed via the organization commander through the usual channels for official correspondence. If any officer in the chain of command has the information upon which to base a reply, a reply should be made direct to the writer instead of the letter being forwarded to the addressee. If the originator of the letter is not satisfied with the reply received, upon resubmission, letter shall be forwarded to the addressee via official channels.

(b) In the event the correspondence contains matter of a secret, confidential or restricted nature, the provisions of article 76, United States Navy Regulations, shall be followed.

(c) All officers are encouraged to report to the bureau or office having an interest therein, including the Office of Naval Intelligence, matters coming to their attention which would be of special value or interest to the bureau or office concerned. Officers performing work in this connection, upon the recommendation of the bureau or office concerned, will be issued letters of commendation which will form a part of their service records.

(d) Except where such bureau or office has no interest in the subject matter, Commandants of naval districts shall forward correspondence concerning Naval Reserve staff officers and Special Service officers via the bureau or office having cognizance of the corps or class concerned.

§ 14.1812 *File numbers of personnel.* (a) The file number on correspondence regarding a particular officer shall be the file number assigned him by the Bureau of Naval Personnel. This file number should be shown in the upper left-hand corner of correspondence originated by a Naval Reserve officer about himself and shall be used by the Commandant or Chief of Naval Air Reserve Training and by organization commanders having occasion to write about any particular officer.

(2) The file number on correspondence regarding a particular enlisted man shall be his name, service number, rating, and class. Example: JONES, John Henry, 130-50-72, BM1, 01, USNR.

§ 14.1813 *Correspondence to be dated.* All correspondence shall be dated in the upper left-hand corner, as shown in the following example: "2 July 1946."

§ 14.1814 *Official residence to be shown.* The official residence shall be shown in the origin of correspondence as follows, for example:

From: Lt. (jg) John H. Jones, D. U. S.
N. R.-O.
123 East Thirty-fourth Street,
New York, N. Y.

§ 14.1815 *References to be quoted in correspondence.* When a letter is in reply to or refers to previous correspondence, quote under "References" the file number, every distinguishing mark, and the date of such correspondence. Where more than one reference is given, enumerate by small letter (a), (b), (c) etc.

The following is an example: (a) BuPers letter Pers 165 Em 123-56-37 of 2 July 1946.

§ 14.1816 *When endorsements shall not be used.* As a general rule a letter shall be answered by a separate letter and not by endorsement (U. S. Navy Regulations, 1920)

§ 14.1817 *Extra copies of correspondence not desired by Bureau of Naval Personnel.* Extra copies of correspondence should not be forwarded to the Bureau of Naval Personnel unless specially requested, but an additional copy should be appended for each intermediate office through which it is expected the correspondence will pass. The original is sufficient to meet the demands of the Bureau of Naval Personnel.

§ 14.1818 *Naval aviator designations and folders.* Naval Reserve officers and aviation cadets who have satisfactorily completed the prescribed course of aviation training, are eligible for designation as naval aviators. Such designation must be approved by the Bureau of Naval Personnel. Upon approval of such designation, the Bureau of Naval Personnel will issue the aviation cadet or officer concerned a certificate of designation and folder.

§ 14.1819 *Letter of authority to solo naval aircraft.* (a) The Bureau of Naval Personnel will consider requests for letters of authority to solo naval aircraft, from those officers of the Special Service classes of the Naval Reserve who are competent pilots holding effective pilot certificates under the Civil Aeronautics Administration, or who are designated and currently qualified as naval aviators. Requests from officers of other than class A5 will be considered separately, and in general will be approved only when the applicants are associated with, and active in, an aviation activity of the naval service, and when it is clearly shown that the individuals will be employed in connection with such phases of utility flying as are necessary to the training of Naval Reserve aviation units, or are employed in connection with flights considered to be of definite value to the aeronautical organization of the Navy. Requests from officers of class A5 will be approved only when they remain licensed pilots in good standing and perform a minimum of 100 hours' flying time per year. All applicants must be physically and otherwise qualified to act as pilots of naval aircraft.

(b) Requests should be forwarded to the Bureau of Naval Personnel via the following channels:

- (1) Commanding officer of nearest naval air station concerned with Naval Reserve activities.
- (2) Chief of Naval Air Reserve Training.
- (3) The Bureau of Medicine and Surgery.
- (4) The Deputy Chief of Naval Operations (Aif)

(c) The forwarding endorsement of the commanding officer of the naval air station should include the following information:

(1) That the applicant possess an effective commercial pilot's certificate issued by the Civil Aeronautics Administration or is designated and currently qualified as a naval aviator; in the case of the former, the license number and date of expiration should be included.

(2) Total certified pilot time, including pilot time in naval aircraft separately.

(3) Total certified pilot time for last 12 months, indicating pilot time in naval aircraft separately.

(4) Result of a recent check flight in naval aircraft.

(5) In the case of officers of class A5, a statement as to applicant's special qualifications and current activities in the piloting of commercial or private aircraft.

(6) In the case of officers of other special service classes; a statement setting forth in detail the applicant's special qualifications, his activity and interest in the Naval Service and the advantages that are expected to accrue to the Government if the request is approved.

(d) Requests will be accompanied by a report of aviation physical examination on Form NAVMED AV-1.

(e) Such authorizations when issued will be effective only until the close of the fiscal year in which issued. Under them, flights will be restricted to local familiarization or utility flights, except in occasional cases wherein the Chief of Naval Air Reserve Training may consider it in the best interests of the Government to authorize more extended operations.

§ 14.1820 *Identification for members of the Naval Reserve.* (a) Naval Reserve personnel, serving on active duty, shall be issued identification cards, Form NAVPERS 546, in the same manner as personnel of the Regular Navy. Identification cards are not to be issued to or used by members of the families of naval personnel.

(b) Members of the Naval Reserve not on active duty may be issued identification cards, Form NAVPERS 904, in accordance with such instructions issued by the Bureau of Naval Personnel.

(c) Pins or buttons may, also, be issued to members of the Naval Reserve not on active duty in accordance with instructions issued by the Bureau of Naval Personnel. They are to be worn only on civilian clothing.

§ 14.1821 *Continuous-service certificates.* (a) Enlisted personnel recommended for reenlistment who reenlisted in the Naval Reserve within 3 months of discharge from a complete enlistment in the Navy or Naval Reserve may, upon presentation of their discharge certificates, be issued continuous-service certificates.

(b) The continuous-service certificate shall be prepared and issued by the Bureau of Naval Personnel upon receipt of the discharge certificate from the commanding officer of the ship or station where the man reenlisted.

(c) Continuous-service certificates are the property of the men to whom issued. When Personnel are on active duty, these certificates may be deposited with the

commanding officer for safekeeping, and returned to them upon release.

§ 14.1822 *Forms to be used.* (a) In time of war or national emergency, when members of the Naval Reserve are performing active duty, the same forms, where applicable, as used for Regular Navy personnel shall be used for the Naval Reserve.

(b) Whenever appropriate, forms prescribed for the regular Navy shall be used by the Naval Reserve in peacetime. However, the Chief of Naval Personnel may prescribe such additional forms as may be required for the peacetime administration of the Naval Reserve. Following is a list of forms which have been approved for such administration.

New Form No. and Title of Form

- NavPers 319:
Annual Qualification Questionnaire Naval Reserve officers on inactive duty.
- NavPers 603A:
Shipping Article (Naval Reserve).
- NavPers 937:
Annual Fitness Report Naval Reserve officers on inactive duty.
- NavPers 568:
Naval Reserve Personnel Muster and Data Card.
- NavPers 903:
Beneficiary Slip A1 and A2 officers (Naval Aviation Cadets Act, 1942).
- NavPers 904:
Identification card for members of Naval Reserve not on active duty.
- NavPers 944:
Report of investigation—Applicant for appointment U. S. Naval Reserve.
- NavPers 953:
Application for commission U. S. Navy or U. S. Naval Reserve.
- NavPers 953 (A):
Standard Questionnaire Applicants from service sources for appointment in Naval Reserve.
- NavPers 953 (B):
Merchant Marine Employment Record.
- NavPers 956:
Forwarding Endorsement on application for appointment in Naval Reserve.
- NavPers 957:
Endorsement Summary—Appointment in Naval Reserve.
- NavPers 962:
Letter of transmittal, acceptance and oath of office, Naval Reserve officers.
- NavPers 963:
Certificate of service of Naval Reserve officers for longevity pay purposes.
- NavPers 971:
Report of examination for advancement in rating, Naval Reserve.
- NavPers 973:
Application for aviation training, Naval Reserve.
- NavPers 974 and 974A:
Application for appointment as midshipman, Merchant Marine Reserve.
- NavPers 978:
Acceptance of appointment and oath of office as midshipman, Merchant Marine Reserve.
- NavPers 979:
Personal Biographical sketch.
- NavPers 980:
Naval Reserve monthly drill and training report.
- Letter:
Application for Naval Reserve medal.
- Letter:
Change in officers' official residence (to BuPers).
- Letter:
Excuse for failure to perform training duty.

Letter:

Quarterly reports to Bureau of Naval Personnel on status of allotments under the Naval Reserve appropriation.

Letter:

Quarterly report to Bureau of Personnel of reservists on active duty other than training.

Letter:

Quarterly report of Commandant to Bureau of Personnel on pay and subsistence, shipkeepers, and stationkeepers.

Letter:

Report of annual training by division—when completed—by commanding officer of cruising ship.

Letter:

Monthly report by Commandants of training duty not included in preceding report.

NavPers 1126:

Report of group IV (b) employees.

SEA 445:

Uniform gratuity, officers, Naval Reserve.

SEA 458:

Regulation for clothing and small stores, Naval Reserve.

CA 1:

Employee's notice of injury.

CA 2:

Official superior's report of injury.

CA 3:

Report of termination of disability.

CA 4:

Claim for compensation.

Miscellaneous

§ 14.1901 *Employment of Reservists in civil branch of public service.* (a) When not on active duty, members of the Naval Reserve may accept employment in any civil branch of the public service and may receive the pay and allowances incident to such employment in addition to any pay and allowances to which they may be entitled under the provisions of sections 313, 314, and 315 of the Naval Reserve Act of 1938.

(b) When not on active duty, members of the Naval Reserve may be employed in civilian professions or occupations including the practice of such professions or occupations before or in connection with any department of the Federal Government.

§ 14.1902 *Employment of Reservists by foreign governments.* No member of the Naval Reserve shall be permitted to accept employment with the government of any foreign country in a capacity which is directly or indirectly under the control of such foreign government. Those accepting such employment will be involuntarily separated from the Naval Reserve, by discharge, in accordance with the provisions of §§ 14.6203 (d) and 14.6206 (a) (1).

§ 14.1903 *Military leave.* (a) All officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed with or without pay under the orders or authorization of competent authority, on training duty for periods not to exceed 15 days in any 1 calendar year.

(b) Competent authority is defined as the Bureau of Naval Personnel, the Commandants of naval districts, river commands, the Chief of Naval Air Reserve

Training, and commands authorized to issue authority or orders for active duty and training duty.

§ 14.1904 *Civilian guests; Naval Reserve vessels.* (a) The Commandants of the various naval districts, river commands, and the Chief of Naval Air Reserve Training are authorized to grant requests of such civilians as they may deem proper, to embark as passengers on vessels (including motorboats) under their command which are assigned to the Naval Reserve for training purposes, provided, accommodations are available and the presence of such passengers on board will not interfere with the proper training of the Naval Reserve. Flights of civilians in naval aircraft shall be governed by current instructions issued by the Chief of Naval Operations.

(b) The names of such passengers and the dates of their arrival on board and departure shall be entered in the log book and reported to the Bureau of Naval Personnel in accordance with article 861 (2), Navy Regulations.

(c) Before embarking on such cruises, civilian guests will be required to sign a certificate of waiver in the following form:

I agree that any injury incurred by me on the cruise I am about to take shall be at my own risk.

In case of accident notify _____

Address _____

Signature _____

(d) Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training shall issue appropriate instructions governing visits of civilians aboard Naval Reserve vessels.

§ 14.1905 *Appointment of midshipmen from enlisted men.* (a) The Secretary of the Navy is authorized to appoint midshipmen to the Naval Academy from enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions so far as applicable as prescribed by law for appointments for enlisted men of the Navy. Not more than 100 midshipmen shall be appointed in any 1 year from enlisted men of the Naval Reserve or Marine Corps Reserve under this authority, except that in the event the quota of midshipmen from the enlisted men of the Regular Navy is not filled in any 1 year, the Secretary of the Navy may fill such vacancies with additional men from the Naval Reserve. (Regulations for admission of candidates into the Naval Academy as midshipmen are in Part II of this chapter.)

(b) Only enlisted men of the Naval Reserve who meet the following requirements will be selected as a result of a competitive examination for appointment as midshipman:

(1) Must be citizens of the United States who are not more than 21 years of age on April 1 of the year in which appointed. For personnel who have served honorably 1 year during World War II the age limit is raised to 23 years.

(2) Must have been in the Naval Reserve at least 1 year by July 1 of the year in which appointed. In this computation service in the Marine Corps Reserve shall be credited.

(3) Must be attached to or associated with an organization of the Organized Reserve and have maintained efficiency by attending therewith at least 27 drills or periods of equivalent instruction or duty during the period between July 1 of the year preceding appointment and the third Wednesday in the following April, which is the date of mental examination for admission. Not more than 7 of these periods may be periods of equivalent instruction or duty. Active service may be accepted in lieu of the required drill on the basis of 1 month's service on active duty as the equivalent of three drills with an organization of the Organized Reserve.

(4) Must have a good record.

(5) Must submit application prior October 1 of the year preceding appointment. This application shall be routed to the Bureau of Naval Personnel via commanding officer, Commandant of district, and Bureau of Medicine and Surgery. If the man is on active duty, the application shall be forwarded via the commanding officer of the ship, or station where he is serving and via the Bureau of Medicine and Surgery. A transcript of the service record and report of physical examination on Form NAVMED Y in duplicate shall be attached to it.

(6) Must be recommended by their commanding officers. No other recommendations are necessary. If a candidate is transferred prior to October 1 of the year preceding his competitive examination for appointment, the commanding officer of the organization from which he is being transferred will prepare all the reports and recommendations as required above and forward them via the organization to which the candidate is being transferred.

(7) Must take a competitive examination which is held on the third Wednesday in April of each year and is the regular examination given to candidates nominated for appointment as midshipmen.

(8) Must meet the same moral, mental, and physical requirements as are required of other candidates for appointment as midshipmen. Regulations governing the admission and sample examination papers may be obtained upon application to the Bureau of Naval Personnel through official channels.

(c) The candidate's commanding officer shall forward the Bureau of Naval Personnel, as soon as practicable after the third Wednesday in April, a report showing attendance at the required number of drills or periods of equivalent duty or instruction, or active service in lieu thereof, between July 1 of the preceding year and the date of examination.

(d) Except in time of national emergency or war, reservists are not eligible to attend the Naval Academy preparatory school, and may not be assigned to active duty for this purpose, either with pay or without pay.

(e) Any enlisted man of the Naval Reserve making application for appointment to the Naval Academy who has made a false statement as to his age when applying for enlistment or subsequent thereto shall be automatically barred from competing for such appointment,

and his further retention as a member of the Naval Reserve will be decided on the merits of the case and the recommendations of his commanding officer. If discharge is directed, subject man will be given a special order discharge—"For misstatement of age."

(f) In time of national emergency or war, when the mobilization of the Organized Reserve makes attendance at drills as contemplated in paragraph (b) (3) of this section impracticable, the Chief of Naval Personnel may prescribe eligibility requirements for appointments to the Naval Academy from the Naval Reserve and for attendance at a Naval Academy Preparatory School.

§ 14.1906 *Deaths.* (a) In case of death of a Reservist, his service record shall be closed out as of the date of death with appropriate entries and forwarded via the Commandant of his naval district, river command or the Chief of Naval Air Reserve Training, as appropriate, to the Bureau of Naval Personnel.

(b) If a Reservist dies while in an inactive-duty status, a report of death in letter form will be forwarded to the Bureau of Naval Personnel. There shall be included in this report all pertinent information obtainable, such as full name, rank or rate, file or serial number of deceased, date and place of birth, source of information, date, place and cause of death, and names and addresses of next of kin. A copy of this letter, together with terminated health record shall be forwarded to the Bureau of Medicine and Surgery.

(c) If a member of the Naval Reserve dies while on active duty or training duty, reports required in the cases of personnel of the regular Navy shall be made.

(d) Commandants of naval districts, river commands, the Chief of Naval Air Reserve Training, and the commanding officers of organizations are authorized to furnish funeral escorts as provided by Navy Regulations, for members of the Naval Reserve including inactive personnel when such request is made by next of kin and when it can be done without the expense of the Government.

(e) An escort of one person may be provided at Government expense in accordance with United States Navy Travel Instructions to escort the remains of a member of the Naval Reserve who dies while performing active duty or training duty.

(f) Members of the Naval Reserve who die while on active or training duty are entitled to burial in national cemeteries. Their next of kin are entitled to receive the national flag in accordance with the provisions of article 1882, United States Navy Regulations.

(g) For instructions regarding procedure in case of death while on active or training duty, consult the Manual of Medical Department and the Bureau of Naval Personnel Manual.

(h) Funeral expenses are allowed for deceased members of the Naval Reserve who die while on active duty or training duty or while performing authorized travel to or from such duty, under such regulations as may be prescribed for members of the regular Navy and Marine Corps.

§ 14.1907 *Bonding of supply officers.* (a) Supply officers of the Naval Reserve are required to execute fidelity bonds when ordered to active or training duty in time of peace, if such duty involves the handling of money or property accounts. The procedure outlined in the Bureau of Supplies and Accounts Manual will be followed in such cases.

(b) Every officer of the Supply Corps in the Naval Reserve is required to file in the Bureau of Supplies and Accounts a partially executed bond, signature cards, and an application for bond of the surety selected by him, in order to expedite his bonding if and when he is ordered to active duty in time of war or national emergency.

(c) The preparation of filing of bonds is under the cognizance of the Bureau of Supplies and Accounts. This Bureau will furnish Reserve supply officers bond forms and signature cards, together with information and instructions in regard to the procedure to be followed. When completed, these forms will be returned to the Bureau of Supplies and Accounts for file.

(d) No cost to the Reserve supply officer is involved unless and until his bond is in fact executed by a surety company and approved by the Navy Department, at which time the usual premium must be paid by the Reserve officer. The surety executing the bond will inform the Reserve officer as to the amount of the premium due.

§ 14.1908 *Naval Militia.* (a) No officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia.

(b) Of the Organized Militia, as provided by law, such part as may be duly prescribed in any State, Territory, or the District of Columbia, shall constitute a Naval Militia.

(c) Any officer or enlisted personnel of such Naval Militia may be appointed or enlisted in the Naval Reserve and assigned to the Organized Reserve in the grade, rank, or rating not above the rank of ensign for which he may be qualified in accordance with the physical and professional standards prescribed for members of the Organized Reserve and for which there may be a vacancy in a unit of the Organized Reserve.

(d) Each member of the Naval Militia appointed or enlisted in the Naval Reserve and assigned to the Organized Reserve shall be required to qualify for the rank, grade, or rating which he holds in the Organized Reserve, in accordance with the physical and professional standards prescribed for the Organized Reserve, within 1 year after the date of his appointment or enlistment therein.

(e) Officers and men of the Naval Reserve who are members of the Naval Militia of any State, Territory, or the District of Columbia shall stand relieved from all service or duty in said Naval Militia when on active duty in time of war or national emergency, or when ordered to such duty.

SUBPART B—PROCUREMENT

General Requirements

§ 14.2101 *Persons eligible for the Naval Reserve.* (a) Except as provided in

Subparts K and L of this part, only male citizens of the United States and the insular possessions of the United States including citizens of the Philippine Islands who were members of the Naval Service at the time the independence of the Philippine Islands became effective, who have attained the age of 17 years and who, by appointment or enlistment thereon, or by transfer thereto, obligate themselves to serve in the Navy in time of war or when in the opinion of the President a national emergency exists, are eligible for membership in the Naval Reserve.

(b) In time of peace, no person who is drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States, shall be appointed, enlisted, or reenlisted in the Naval Reserve. In time of war or national emergency, when the services of a person who is drawing a pension, disability allowance, disability compensation, or retired pay are desired, he may be appointed or enlisted in the Naval Reserve if physically and otherwise qualified, *Provided*, That before being ordered to active duty, he shall be required to execute a notice to the Veterans' Administration of re-entrance into active service as provided in § 14.7306. Such persons shall be released from active duty and either placed on the honorary retired list or discharged from the Naval Reserve when their services are no longer required and in any event, not later than 6 months after the end of the war or national emergency.

(c) All statements made in applications for appointment or enlistment are held to be material facts and any misstatement or omission of such material facts will be considered as grounds for discharge.

§ 14.2102 *Procurement policy; general.* (a) A basic requisite of the Naval Reserve is its availability for immediate mobilization, and its members are under a continuous liability therefor. The vital importance of the civilian effort in modern warfare is also recognized. Consequently an individual whose civilian occupation, either personally or as one of a group, is such that his immediate separation from his civilian occupation on mobilization will not be to the best interest of the national defense should not be admitted to the Naval Reserve. The foregoing principles should constantly be borne in mind by those responsible for the procurement of officers and enlisted personnel. Applicants should understand that upon accepting any Reserve status it is continuously assumed thereafter that they are available immediately for any naval service on mobilization.

(b) Persons whose availability for mobilization is considered by the Bureau of Naval Personnel to be incompatible with the availability requirements in paragraph (a) of this section shall not be appointed or enlisted in the Naval Reserve except as follows:

(1) Especially desirable applicants may be enlisted or commissioned in the Volunteer Reserve even if not immediately available for mobilization provided they will be so available within 30 days thereafter.

(2) Persons whose special qualifications and services the Chief of Naval Personnel deems to be of outstanding value to the Navy, may be enlisted or commissioned in the Volunteer Reserve even though their civilian status may preclude their being ordered to active duty on mobilization. Before such person shall be appointed, a mobilization billet shall be specifically approved by the Bureau of Naval Personnel. The procurement and mobilization quotas and the charges against these because of such appointments, shall conform to the requirements of § 14.1406.

(c) Persons who fail to meet the availability requirements of paragraph (a) of this section shall not be eligible for transfer from the Volunteer Reserve to the Organized Reserve, and any such member of the Organized Reserve who subsequent to his transfer thereto fails continuously to meet those requirements fully shall so advise his commanding officer and shall be transferred to the Volunteer Reserve. To this end each commanding officer of an Organized Reserve unit shall maintain a file of affidavits for each member of his unit stating that these requirements can be met.

(d) Availability for mobilization of persons employed in merchant ships will not be a factor in determining eligibility for commission or enlistment in the Merchant Marine Reserve. It is considered that the mobilization of Merchant Marine Reservists other than those serving in ships taken over by the Navy would unduly interfere with normal operation of the Merchant Marine. Insofar as practicable, it is therefore proposed to man merchant ships placed in commission with their own licensed and unlicensed personnel.

§ 14.2103 *Procurement of officers.* (a) The procurement of officers for the Naval Reserve is the responsibility of the offices of Naval Officer Procurement who are directly responsible to the Chief of Naval Personnel and will be guided and governed by directives issued by him from time to time.

(b) The commissioning of an officer in the Naval Reserve makes him a part of the Naval Establishment, the standards of which must not be jeopardized through failure to insure that his character, ability, and loyalty conform thereto and will be maintained throughout his commissioned status. In addition to other requirements, each candidate will be personally interviewed by not less than two suitable officers attached to an Office of Naval Officer Procurement. A summation of the individual interviews shall be included in the forwarding report.

(c) As a matter of policy the Bureau of Naval Personnel will not approve appointments in the Naval Reserve of foreign-born persons who have been naturalized less than 10 years, and who have not resided continuously during the 10-year period in the United States.

(d) Before an application is forwarded to the Bureau of Naval Personnel the officer in charge of the Office of Naval Officer Procurement will conduct an investigation of the candidate's wholehearted loyalty and of his moral

and professional qualifications for appointment as an officer in the Naval Reserve.

(e) If, as a result of the personal interviews and investigations, there remains any doubt as to the loyal intentions of the candidate or as to the bad effect of any influences to which he may be subject, the forwarding endorsement should so state.

(f) For the purpose of insuring maximum security to the Naval Establishment from undesirables, Form NAVPERS 944 shall be used in reporting investigations of candidates, and shall accompany all applications. This form is considered to have been properly submitted when the remark "Satisfactory" can be entered under each item, or other remarks as may be found necessary, and the whole subscribed to by the officer or officers designated to make the investigation.

§ 14.2104 *Officers and midshipmen; by whom appointed and term of service.*

(a) Persons appointed to commissioned grades in the Naval Reserve shall be commissioned by the President to serve during the pleasure of the President.

(b) Persons appointed to warrant grades shall be warranted by the Secretary of the Navy to serve during the pleasure of the Secretary of the Navy.

(c) Midshipmen, United States Naval Reserve, shall be appointed to serve during the pleasure of the Secretary of the Navy. Such appointments will be made in accordance with instructions issued by the Chief of Naval Personnel.

(d) Officers above the grade of Lieutenant commander will be procured in accordance with § 14.3403.

§ 14.2105 *Appointment of officers; responsibility for.* (a) The Bureau of Naval Personnel is charged with the approval or disapproval of applications for appointment in the Naval Reserve, and may recommend such applicants as meet its requirements to the Secretary of the Navy for commission or appointment. In making its recommendations, due consideration will be given by the Bureau of Naval Personnel to the recommendations of the Office of Naval Officer Procurement through whom the application is submitted, to the recommendation of the representative of the Bureau or Office of the Navy Department having cognizance of the specialty for which the appointment is sought as to professional qualifications, and to the recommendations of the Bureau of Medicine and Surgery as to physical qualifications.

(b) Officers in charge, Offices of Naval Officer Procurement, are charged with the responsibility of procuring and recommending applicants for appointment as officers and officer candidates of all classes of the Naval Reserve, in accordance with instructions and directives of the Bureau of Naval Personnel.

(c) Vacancies in the Organized Reserve will be filled by the Bureau of Naval Personnel by assignment of available officers of the Volunteer Reserve.

(d) Officers of the Volunteer Reserve (General Service) will be procured within established national quotas. Procurement quotas for direct appointment of Volunteer Reserve (General Service) from sources other than graduates of

NROTC will be limited to the numbers required in excess of the numbers available from that source.

(e) Officers of the Volunteer Reserve (Special Service) will be procured within established national quotas for each specialty.

(f) Officers of the Merchant Marine Reserve will be procured in accordance with instructions issued by the Bureau of Naval Personnel. (See Part 12 of this chapter.)

§ 14.2106 *Procedure for making application for appointment.* (a) Applications for appointment as commissioned or warrant officers in the Naval Reserve shall be submitted on Form NAVPERS 953 by applicants for the following:

(1) Volunteer Reserve, except Naval ROTC graduates. Applications for appointment in class SI shall be accompanied by Form ONI No. 1 (f) in duplicate. Applications for Naval ROTC graduates for commissions shall be submitted in accordance with the Regulations for Administration and Training of the Naval Reserve Officers' Training Corps.

(2) Merchant Marine Reserve. (See additional requirements § 14.2301.)

(b) All applications must show and be signed with the full legal names of applicants and be forwarded via the Bureau of Medicine and Surgery. They must be accompanied by or include the following:

(1) Evidence of citizenship as shown below:

If native born:

(i) A duly verified copy of a public or church record of birth, or

(ii) The affidavit, under oath, of the physician, midwife or other persons present at the birth.

(iii) In cases where neither (i) or (ii) can be obtained by the applicant, the affidavit of either parent.

(iv) In cases where the applicant certifies that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him. Each of these affidavits should state the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the applicant, as for example, that he has known the applicant since birth, that he knew his parents, or as the case may be.

If foreign born:

(v) Certificate of naturalization under seal of the court in which naturalized.

(vi) Certificate of naturalization, under seal of the court in which naturalized, of the parent during the minority of the applicant, together with the affidavit of a parent that the applicant is the child of the parent whose certificate of naturalization is submitted.

(vi) In special cases where the applicant certifies that neither (v) nor (vi) is obtainable, the affidavit of two reputable citizens acquainted with him (see subdivision (i) of this subparagraph under native born citizens). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases, and on the understanding that the ap-

plicant shall later submit a proper certificate of naturalization.

(2) Properly authenticated transcript of educational qualifications. When high-school subjects presented for entrance to college are included in the college transcript, separate transcript of high school record is not required.

(3) Fingerprint records NAVPERS 680.

(4) Three or more letters of recommendation and at least three references of individuals who are prominent in the community, who may be personally contacted for information regarding applicant. These letters and references should serve to furnish information as to the applicant's moral, mental and professional qualifications. In case the candidate is in an enlisted status, a transcript of service record and recommendation of his commanding officer is required in addition to other letters of recommendation.

(5) Report of physical examination, Form NAVMED Y or NAVMED AV-1, as appropriate. This examination will be conducted at the Office of Naval Officer Procurement or other activity specifically designated for this purpose.

(6) Two recent photographs of the applicant's head and shoulders, one profile and one full face, each about 2½ by 2½ inches.

(7) Statement as to prior military or naval service.

(8) Statement as to receipt or non-receipt of pension, compensation or retired pay from the Government of the United States.

(9) Statement from employer or responsible authority as to availability for active duty on mobilization, when the conditions specified in § 14.2102 (b) apply.

(10) Statement from ONOP as to the service classification for which candidate is qualified.

(11) Copy of report of investigation on Form NAVPERS 944. (See § 14.2103 (f).)

(12) Statement from applicant for appointment in Supply Corps of the Naval Reserve that he accepts the provisions of § 14.1907 and will, if appointed, file partially executed bond, signature cards and application for bond.

(13) Except as indicated below, an agreement to complete a correspondence course in Navy Regulations and Customs within 2 years after appointment. Candidates for appointment in the Fleet Reserve, ex-officers of the Regular Navy or Marine Corps, Aviation Cadets, officers of classes A1 or A2, graduates of the United States Naval Academy, graduates of the Naval R. O. T. C. units. Ensigns, Volunteer Reserves (probationary) and staff officers under agreement to enroll in appropriate correspondence course for their corps, will not be required to execute the foregoing agreement.

§ 14.2107 *Ages for original appointment as officers in the Volunteer Reserve.*

(a) The limiting ages for original appointments in the Volunteer Component of the Naval Reserve from sources other

than the Regular Navy are prescribed as follows:

Column 1	Column 2	Column 3
Grade	Volunteer Reserve line, OEO, SO	Volunteer Reserve staff, other than OEO and SO
Lieutenant commander...	40-48	40-49
Lieutenant.....	34-39	34-39
Lieutenant (jg.).....	23-33	21-33
Ensign.....	19-27
Ensign HP.....	19-30
Warrant.....	21-44	21-44

NOTE: Age limit to be to nearest birthday.

(b) In general, an officer will not be appointed when his age is such that he will be retired or discharged for age in grade within 4 years of such appointment.

Requirements for Original Appointment of Officers in the Volunteer Reserve

§ 14.2201 *Procurement quotas for officers of the Volunteer Reserve.* (a) Quotas of officers of the Volunteer Reserve will be prescribed by the Chief of Naval Personnel in accordance with the mobilization needs of the Naval Service for officers in each of the several classification categories. Such quotas shall be reviewed at least once each year and adjusted in accordance with current needs. Requirements for original appointment of officers of each classification open to procurement shall be specified in the Office of Naval Officer Procurement Operations Manual, which shall be revised as necessary to keep abreast of change in the needs of Naval Service resulting from developments in the science of naval warfare.

Officers and Midshipmen of the Merchant Marine Reserve

§ 14.2301 *Requirements for appointment as an officer.* (a) Appointment may be made in classes DM, EM, DEM, SDM, SEM, SDEM, SCM, MCM. Applications from ship's deck or engineering officers shall be submitted on Form NavPers, 953 in addition to Form NavPers 953 (B).

(b) In addition to the general requirements for commission in the Naval Reserve, as set forth in §§ 14.2101 to 14.2107, inclusive, the following additional requirements are prescribed for appointment of officers in the Merchant Marine Reserve:

(1) A candidate for commission in class DM or EM must be a licensed officer of the American Merchant Marine, and be serving in a vessel of not less than 1,000 gross tons documented under laws of the United States, or on other public vessels thereof; except that a candidate serving in a vessel of less than 1,000 gross tons may be appointed by special authority of the Bureau of Naval Personnel. Service as a cadet officer in the United States Merchant Marine will be considered as licensed service for the purpose of appointment as ensign, class DM or class EM.

(2) A candidate for commission in classes SDM, SEM, or SDEM must be employed in connection with the seagoing profession or in a capacity con-

nected with the management, operation, or maintenance of ships of the Merchant Marine.

(3) A candidate for commission in class SCM or MCM must be employed on a vessel documented under the laws of the United States; or, in the case of a candidate for appointment in class MCM must be employed in connection with the seafaring profession in a capacity directly connected with his duties in the Merchant Marine. A candidate must agree that if appointed he will apply for and complete the Naval Reserve correspondence course prescribed by the appropriate Bureau of the Navy Department within 2 years of his appointment. Only chief pursers, pursers, senior assistant and junior assistant pursers (including those assigned to stores duties) who have successfully completed two years of college studies, or who have served not less than 2 years under certificate of registry in one of the purser classifications, will be considered eligible for appointment as commissioned officers in class SCM. An applicant for appointment in class SCM must comply with the provisions of § 14.2106 (b) (12).

(c) The rank in which appointment is made depends on the duties which the candidate is normally performing in a vessel or ashore and (in the case of a

licensed officer) the total number of years of accumulated licensed service.

(d) In order to establish permanency of duties, applicants serving on board ship shall have been employed in present capacity for at least 3 months immediately preceding appointment. The following table shows the authorized ranks for appointment of Merchant Marine officers i. the deck and engineering departments on Merchant vessels. To qualify for appointment in the Naval Reserve in rank above that of ensign, a licensed officer must, in addition to holding the requisite position as shown in the following table, have had for original appointment as Lieutenant (jg), at least 3 years accumulated service as a licensed officer; for original appointment to Lieutenant at least 7 years accumulated service as a licensed officer; for original appointment to Lieutenant commander at least 11 years accumulated service as a licensed officer.

(e) For the purpose of assigning rank, engineer officers employed on vessels of 20,000 indicated horsepower or over are considered to be employed on passenger vessels of over 10,000 gross tons, and if employed on vessels of less than 20,000 but over 10,000 indicated horsepower are considered to be employed on passenger vessels of less than 10,000 but over 5,000 gross tons.

(f) The qualifications for appointment of medical officers and supply officers in the Merchant Marine Reserve will be governed by the provisions of § 14.2105, and the Office of Naval Officer Procurement Operations Manual.

(g) Appointment in the Merchant Marine Reserve of persons employed on shore in connection with the seafaring profession will be considered for rank appropriate to the candidate's age, experience, professional attainments, and civilian position.

(h) Midshipmen, Merchant Marine Reserve, will be eligible for appointment as ensigns in class DM or EM upon graduation from the United States Merchant Marine Academy or a State Maritime Academy, provided they have completed the prescribed course in naval science and hold unlimited ocean license as deck or engineer officers.

(i) Applicants who do not hold ocean licenses but who are serving in the capacity of officers in merchant vessels or small craft of any tonnage, may be appointed to the grades of warrant officer or chief warrant officer if considered qualified by virtue of their seagoing experience. The authorized warrant grades in the Merchant Marine Reserve are boatswain DM, electrician EM, machinist EM, radio electrician EM, and ship's clerk DM.

TABLE OF MAXIMUM RANK FOR APPOINTMENT

Duties merchant service	Passenger or combination vessels over 10,000 gross tons	Passenger or combination vessels over 5,000 gross tons ¹	Other vessels over 5,000 gross tons	Vessels under 5,000 gross tons but over 1,000 gross tons
Master	Captain ¹	Commander ¹	Lieutenant commander	Lieutenant
Chief officer or first mate	Commander ¹	Lieutenant commander	Lieutenant	Lieutenant (jg).
Second officer or second mate	Lieutenant commander	Lieutenant	Lieutenant (jg.)	Ensign
Third officer or third mate	Lieutenant	Lieutenant (jg.)	Ensign	Ensign
Fourth officer	Lieutenant (jg.)	Ensign	Ensign	Ensign
Chief engineer	Commander ¹	Lieutenant commander	Lieutenant	Lieutenant
First assistant engineer	Lieutenant commander	Lieutenant	Lieutenant (jg.)	Lieutenant (jg.)
Second assistant engineer	Lieutenant	Lieutenant (jg.)	Ensign	Ensign
Third assistant engineer	Lieutenant (jg.)	Ensign	Ensign	Ensign
Junior engineer	Ensign	Ensign	Ensign	Ensign

¹ These appointments will be made only by selection board action.

§ 14.2302 *Midshipmen, Merchant Marine Reserve; source.* Midshipmen, Merchant Marine Reserve shall be appointed from the following sources:

(a) Students at the State maritime academies.

(b) Cadets in the United States Merchant Marine Cadet Corps.

§ 14.2303 *Midshipmen, Merchant Marine Reserve; physical examination.* The physical examination for appointment shall be conducted by a medical officer of the Navy or of the Naval Reserve. The result of the examination shall be reported on NavMed Form Y, in duplicate.

§ 14.2304 *Appointment of State Maritime Academy students.* The following provisions shall govern the appointment of students at the State Maritime Academies as midshipmen, Merchant Marine Reserve.

(a) Applications for appointment shall be submitted on Form NavPers 974 accompanied by report of physical examination on NAVMED Form Y, in duplicate, and Bureau of Naval Personnel Form NAVPERS 680. In the case of candidates under 18 years of age, Form

NAVPERS 974a (consent of parent or guardian) shall also be submitted.

(b) Matriculation at one of the State Maritime Academies shall, subject to review by the Bureau of Naval Personnel, be considered as establishing the mental and moral qualifications of applicants.

(c) Each midshipman, Merchant Marine Reserve, following satisfactory completion of the cadet training course, who fails to qualify for a commission in the United States Naval Reserve within 6 months after graduation will have his appointment as midshipman revoked.

(d) Separation from the State maritime academies prior to graduation will result in the revocation of appointment. Acceptance of commission in the Naval Reserve will automatically terminate appointment as midshipman, Merchant Marine Reserve.

§ 14.2305 *Appointment of cadets of United States Merchant Marine Cadet Corps.* The following provisions shall govern the appointment of midshipmen, Merchant Marine Reserve from cadets in the United States Merchant Marine Cadet Corps:

(a) Applications for appointment shall be submitted on Form NAVPERS

974 accompanied by report of physical examination on NavMed Form Y, in duplicate, and on Form NAVPERS 680. In the case of candidates under 18 years of age, Form NAVPERS 974a, consent of parent or guardian, shall also be submitted.

(b) The appointment as cadet in the United States Merchant Marine Cadet Corps, together with the recommendation of the cadet training instructor, shall, subject to review by the Bureau of Naval Personnel, be considered as establishing the mental and moral qualifications of applicants.

(c) Each midshipman, Merchant Marine Reserve, following satisfactory completion of the cadet training course, must qualify for a commission in the United States Naval Reserve within 6 months or his appointment as midshipman will be revoked.

(d) Separation from the United States Merchant Marine Cadet Corps prior to graduation will result in revocation of appointment. Acceptance of a commission in the Naval Reserve will automatically terminate appointment as midshipman, Merchant Marine Reserve.

Enlistments and Reenlistments

§ 14.2401 *Enlisted personnel; by whom enlisted.* (a) The procurement of men in the Fleet Reserve shall be governed by the provisions of §§ 14.9401 to 14.9411, inclusive.

(b) Personnel may not be enlisted or reenlisted directly into the organized reserve, but, must acquire this status by transfer from the Volunteer Reserve. Such transfers shall be effected upon the applications of the individuals concerned subject to limitations imposed by prescribed quotas.

(c) The enlistment of personnel in the Volunteer Reserve shall be accomplished by Naval Reserve recruiting officers and by Navy recruiting officers.

(d) The enlistment of personnel in the Merchant Marine Reserve shall be accomplished by recruiting officers designated for this purpose by the Bureau of Naval Personnel.

§ 14.2402 *Ages for original enlistments.* (a) The limiting ages for original enlistments in the Naval Reserve are as follows:

Class:	Age limits in years
V1-----	17 to 28
V2-----	17 to 23
V3-----	17 to 35
V4 (Unassigned).	
V5-----	17 to 22
V6-----	17 to 50
V7 (Unassigned).	
V8-----	18 to 27
V9-----	20 to 49
V10-----	20 to 35
V11 (Unassigned).	
V12 (Unassigned).	
M1-----	17 to 50
M2-----	17 to 50

¹ Approximate. See Office of Naval Officer Procurement Operation manual. Upper age limits are to nearest birthday.

(b) Especially desirable personnel over the foregoing upper age limits may be enlisted with the consent of the Bureau of Naval Personnel in each case, in accordance with existing instructions.

(c) Minors shall not be enlisted without the written consent of a parent or guardian.

(d) The lower age limit of 17 years is prescribed by statute and cannot be waived.

§ 14.2403 *Naval Reserves Recruiting Officers.* (a) Unit commanders of the Organized Reserve and unit commanders of electronics warfare companies and platoons shall be appointed by the Commandants of naval districts, river commands, or Chief of Naval Air Reserve Training as Naval Reserve recruiting officers. Officers of the Navy and Naval Reserve attached to district and river command headquarters and attached to the various air stations under the cognizance of the Chief of Naval Air Reserve Training for duty in connection with the administration and training of the Naval Reserve may be appointed as Naval Reserve recruiting officers. Commandants and the Chief of Naval Air Reserve Training may appoint such other officers as they may select as recruiting officers for effecting enrollments in the Naval Reserve.

(b) Naval Reserve and Marine Corps Reserve recruiting officers are author-

ized to administer oaths in connection with the enlistments of personnel in the Naval Reserve.

(c) All officers authorized to administer oaths for enlistments and appointments in the Naval Reserve shall place after the signatures the capacity in which serving at the time of administering the oath; i. e., John Doe, Lieutenant D, U. S. N. R., Commanding First Division, U. S. N. R., First Naval District.

(d) Officers in charge of Navy recruiting stations are directed to make such enlistments in the Naval Reserve as authorized by the Bureau of Naval Personnel. They shall report such enlistments to the Commandant, and forward the health record, service record, and shipping articles to the Commandant.

(e) Naval Reserve recruiting officers are authorized, upon request of a district commander of the Marine Corps Reserve, to effect enlistments in the Marine Corps Reserve.

(f) Commanders of units of the organized Marine Corps Reserve are authorized to act as Naval Reserve recruiting officers, for the purposes of effecting enlistments of hospital corpsmen to fill their allowances, in accordance with § 14.2410 (b) (2).

(g) For the purpose of administering oaths in connection with the appointment of officers in class MCS, and nurses in the Naval Reserve Nurse Corps, and the enlistment of hospital corpsmen in class V6 of the Naval Reserve, District Commandants are authorized to appoint organizers of medical specialists units and of laboratory research units as Naval Reserve recruiting officers.

§ 14.2404 *Term of enlistments, reenlistments, and extensions.* (a) Under such instructions as may be issued by the Bureau of Naval Personnel enlistments and reenlistments in the Naval Reserve may be for terms of 2 or 4 years, except that enlistments of minors between 17 and 18 years of age shall not extend beyond minority.

(b) Enlisted personnel may be permitted to extend enlistments for periods of 1, 2, 3, and 4 years under the same regulations as prescribed for extensions of enlistments in the Regular Navy. Unless specifically authorized by the Bureau of Naval Personnel, an enlistment cannot be extended more than once.

(c) Where reenlistments of desirable personnel are impracticable on account of unavailability of medical officers of the Navy or Naval Reserve for conducting physical examinations such personnel may be permitted to extend their enlistments without physical examination for a period of 4 years in the manner prescribed in part D, Bureau of Naval Personnel Manual. At such time as a physical examination by a medical officer of the Navy or Naval Reserve is practicable, such personnel shall be physically examined and report forwarded to the Bureau of Naval Personnel.

§ 14.2405 *Reenlistments.* (a) Desirable personnel may be reenlisted in accordance with the provisions of §§ 14.2410 (c) and (d) 14.2411 (d) and 14.2414 (b). The term reenlistment will only apply in the case of applicants who have had previous Naval Reserve service.

Other applicants will be in a first enlistment status even though they may have had prior service in other branches of the armed forces.

(b) Chief petty officers and chief stewards and cooks holding appointments in pay grade 1 may be reenlisted in this pay grade, provided, they are reenlisted under continuous service as defined in § 14.2410 (c).

(c) Personnel who have had prior naval or military services, including service in the Coast Guard of the United States, shall be required to present their discharges from such service, certificates in lieu of such discharge, or continuous-service certificate, before being enlisted in the Naval Reserve.

(d) Personnel discharged from any naval or military organization under other than honorable conditions shall not be enlisted in the Naval Reserve.

(e) Upon enlisting personnel with previous service in the Navy, Naval Reserve, or Coast Guard, the recruiting officer shall write above his signature on the back of the man's discharge or continuous-service certificate, the date and place of his reenlistment.

(f) The age limit for reenlistment in any class is 50½ years, except with prior approval of the Bureau of Naval Personnel.

§ 14.2406 *Service numbers.* (a) Commandants of naval districts and river commands, will assign service numbers on all first enlistments.

(b) In the cases of enlistments or reenlistments of personnel who have had previous naval service whose service numbers are unknown, the recruiting officer shall obtain such numbers from the Bureau of Naval Personnel before completing and forwarding the enlistment articles.

§ 14.2407 *Procedure for recruiting.* (a) Naval Reserve recruiting officers shall be guided by the Instructions for Recruiting Officers of the Navy, insofar as applicable, and such special instructions as may be issued by the Bureau of Naval Personnel concerning the Naval Reserve.

§ 14.2408 *Records of recruits.* The Commandant shall examine all papers and records of enlisted personnel and if the enlistment is approved, shall forward to the Bureau of Naval Personnel as soon as practicable, all shipping articles and identification records, application form and consent form which are found to be regular and complete in every respect. The health record, service record shall then be returned to the commanding officer of the organization to which the man is to be attached or with which he is to be associated. The records of personnel not to be attached to or associated with organizations will be returned to the files of the Commandant.

§ 14.2409 *Vaccination and inoculation of Naval Reservists.* (a) All members of the Naval Reserve shall be vaccinated against smallpox and initial or booster dosages of typhoid and tetanus prophylaxis administered, as appropriate, in each instance of appointment to or enlistment and reenlistment in the Naval Reserve or as soon thereafter as

possible and, in any case, before being ordered to active duty, training duty, group training duty or other duty unless such individuals present certificates or other record evidencing their having been so immunized within twelve (12) months. In which event this record of immunization will be embodied in their health records.

(b) Where immunization to the diseases referred to in paragraph (a) of this section cannot be administered by Naval activities the facilities of the Public Health Service, of other branches of the armed forces, of local health departments and hospitals may be utilized and, where necessary, immunization may be administered by private physicians; either of which is acceptable, provided, a certificate evidencing the fact is obtained and forwarded to the custodian of the reservist's health record for incorporation therein.

§ 14.2410 *Enlistments in the Volunteer Reserve, Classes V1 and V2.* (a) Enlisted personnel will ordinarily be transferred to V1 and V2 from class V6. However, when specifically authorized by the Bureau of Naval Personnel direct enlistments into class V1 and V2 may be effected in accordance with the provisions of this article and such other instructions as may be issued from time to time. The numbers of personnel in classes V1 and V2 will be limited by proscribed quotas.

(b) (1) Personnel without previous naval service may be enlisted in classes V1 and V2, in the rating, of apprentice seaman and steward's mate third class, or in such higher ratings as may be authorized by the Bureau of Naval Personnel.

The Bureau of Naval Personnel will consider authorizing the enlistment in higher ratings of persons whose civilian

occupations make them especially desirable for the organizations, such as machinists, mechanics, ground crewmen for the air transportation companies and commercial and amateur radio operators, etc.

The Bureau of Naval Personnel will not, however, consider any such recommendation unless accompanied by an examination report, Form NAVPERS 971, submitted by a properly constituted board. Such examination shall be confined solely to questions relating to the individual's professional qualifications for the rating in question.

The upper age limit for enlistment, as prescribed in § 14.2402, may also be waived by the Bureau of Naval Personnel in the cases of the foregoing personnel.

(2) In the cases of applications for enlistments in hospital corps ratings, requests shall be forwarded to the Bureau of Naval Personnel via the District Commandant and the Bureau of Medicine and Surgery, accompanied by Form NAVPERS 971.

(c) Men honorably discharged from the Naval Reserve may be reenlisted in class V1 and V2 in the ratings in which discharged within 1 year of such discharge to fill vacancies in prescribed quotas if physically and otherwise qualified. Men may be similarly enlisted in the Naval Reserve within 3 years of honorable discharge from the Regular Navy or Coast Guard. In order to qualify for continuous service, such enlistments must be within a period of 3 months from date of discharge.

(d) Men with broken service in excess of 1 year, honorably discharged from the Naval Reserve, and 3 years, honorably discharged from the Regular Navy or Coast Guard, who are within the prescribed ages may, if otherwise qualified,

be enlisted or reenlisted in class V1 or V2 to fill vacancies in the next rating below that held at the time of discharge. The approval of the Bureau of Naval Personnel will be required in case the prescribed age limits are exceeded, or for enlistment in rating last held.

§ 14.2411 *Enlistments in the Volunteer Reserve class V3.* (a) Enlisted personnel will ordinarily be transferred to class V3 from class V6. However, when specifically authorized by the Bureau of Naval Personnel, enlistments or reenlistments may be effected in class V3 in accordance with the provisions of this section and such other instructions as may be issued from time to time. Personnel will be enlisted or reenlisted in class V3 for radioman, signalman, sonarman, radarman, yeoman, and electronic technicians mates duties.

(b) Such personnel will be enlisted in the rating of apprentice seaman, seaman second class, or seaman first class if without prior Naval or Coast Guard Service, and when they have qualified in accordance with section 2, chapter 5, part D, Bureau of Naval Personnel Manual, they may be advanced to the rating of petty officer, third class, of their respective specialties, unless higher rating is authorized by paragraph (c) or (d) of this section.

(c) Those holding radio license issued by the Federal Communications Commission, may be enlisted in the ratings shown in the following table. At any time after enlistment, such men may be examined, Form NAVPERS 971, and when qualified in accordance with section 2, chapter 5, part D, of the Bureau of Naval Personnel Manual, may be advanced to the rating shown. Thereafter, advancement shall be made in accordance with § 14.3603 (a) and (b).

License held	Rating in which enlisted	Authorized rating when qualified	License held	Rating in which enlisted	Authorized rating when qualified
Radiotelegraph—Commercial: First class	Seaman, first class	Radioman, second class.	Radiotelegraph—Amateur: Class A or B	Seaman, first class	Radioman, third class.
Second class	do	Do.	Class C	Seaman, second class	Seaman, first class.
Operator's permit	do	Radioman, third class.			

(d) Personnel who have been honorably discharged from the Navy or Coast Guard within 3 years, or from the Naval Reserve within 1 year, in radioman, signalman, sonarman, radarman, yeoman, or electronic technicians mates ratings, and seaman strikers for these ratings, are eligible for enlistment or reenlistment in class V3 in the same rating or the rating corresponding to that in which discharged. If a greater period of time has elapsed since date of discharge than the limits specified, the prior approval of the Bureau of Naval Personnel is required before the enlistment is effected.

§ 14.2412 *Enlistments in Volunteer Reserve, class V4.* Enlistments in class V4 will be made in accordance with such instructions as may be issued from time to time.

§ 14.2413 *Enlistments in Volunteer Reserve, class V5.* Enlistments in class V5 will be made in accordance with the

instructions for the selection of candidates for aviation training contained in Subpart J of this part.

§ 14.2414 *Enlistments in Volunteer Reserve, class V6.* (a) The Bureau of Naval Personnel will from time to time issue instructions for enlistments or reenlistments in class V6, specifying the ratings open to unlimited enlistments. Enlistments in ratings not declared open to enlistments in this class may be accepted if prior Bureau approval is obtained. When applications for such enlistments are submitted to the Bureau of Naval Personnel for approval, complete information to substantiate the applicant's qualifications must be included.

(b) Subject to the provisions of paragraph (a) of this section, former enlisted personnel of the Navy, Coast Guard, or Naval Reserve, physically, and professionally qualified, may be enlisted or reenlisted in class V6 in ratings formerly held by them, or in the rating for which

qualified in accordance with the provisions of § 14.3709.

(c) Subject to the provisions of paragraph (a) of this section, men without prior naval service may be enlisted in class V6 in ratings for which qualified in accordance with the provisions of § 14.3709, except that report of examination on Form NAVPERS 971 shall include only marks required under the heading "qualification for individual rating."

(d) Applicants for enlistment in all Hospital Corps ratings will be required to demonstrate their professional qualifications for enlistment in these ratings by passing such examinations as may be required by the medical officer at the main Navy Recruiting Station.

§ 14.2415 *Enlistments in Volunteer Reserve, class V7.* (a) Enlistments shall be made in this class in the rating of apprentice seaman, for training preliminary to appointment as midshipman, United States Naval Reserve.

(b) In conformity with § 14.2104 (c), enlistments in this class will be made only during times of threatened or actual emergency, in accordance with instructions issued by the Bureau of Naval Personnel, in separate publications.

§ 14.2416 *Enlistments in the Merchant Marine Reserve, classes M1 and M2.* Enlistments in classes M1 and M2 will be made in accordance with instructions issued by the Bureau of Naval Personnel from time to time.

§ 14.2417 *Reports of rejections for physical defects.* (a) If a candidate for enlistment or reenlistment in any class of the Naval Reserve is found not physically qualified, and a waiver of defects is recommended, NRB Form 24 accompanied by NAVPERS 684 shall be forwarded to the Bureau of Naval Personnel via the commanding officer, the district Commandant or the Chief of Naval Air Reserve Training, as appropriate, and the Bureau of Medicine and Surgery for recommendation. The NRB Form 24 shall not be forwarded in the cases of candidates who are found not physically qualified and for whom no waiver is recommended. In such cases the NRB Form 24 shall be disposed of in accordance with the procedure in effect in the Navy Recruiting Service.*

(b) The submission of Forms NRB 24 and NAVPERS 684 required above shall be periodic, but at least monthly.

SUBPART C—PROMOTION; ORGANIZED RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE

General

§ 14.3101 *Promotion of officers in time of peace.* (a) In time of peace, officers of the Organized Reserve, Volunteer Reserve other than officers of class A1 and A2, and Merchant Marine Reserve, shall be promoted in accordance with provisions of the succeeding sections of this subpart. Officers of class A1 or A2 shall be promoted in accordance with the provisions of § 14.10401.

(b) Aviation flight officers must, prior to promotion, successfully pass a flight test in a service-type plane, as prescribed by the Bureau of Naval Personnel. Satisfactory completion of this test shall be certified to the Board before which the candidate is authorized to appear for examination by the commanding officer of the naval air station or of the organization to which the candidate is assigned or attached, as a prerequisite before undergoing examination.

§ 14.3102 *Promotion of officers in time of war.* (a) In time of war or national emergency, officers of the active list of the Naval Reserve employed on active duty shall be advanced in their respective corps in grade and rank in the same manner as as or may be prescribed for officers of the Regular Navy, in such numbers for each grade or rank as may be prescribed from time to time by the Secretary of the Navy, and when so advanced shall take precedence among themselves and with other officers of the Navy in accordance with date of such advancement or promotion.

(b) No officer of the Naval Reserve shall be advanced to a higher rank until he has qualified therefor by such mental, moral, professional, and physical examinations as the Secretary of the Navy may prescribe.

(c) The pay of officers of the Naval Reserve when advanced to higher grades or ranks under the provisions of this section shall be governed by the current pay-bill instructions, in the Bureau of Supplies and Accounts Manual.

(d) The provisions of this section shall not apply to officers who have been or may hereafter be retired from the Naval Reserve Force or the Naval Reserve.

(e) Aviation flight officers must, prior to promotion, successfully pass a flight test in a service-type plane, as prescribed by the Bureau of Naval Personnel. Satisfactory completion of this test shall be certified to the Board before which the candidate is authorized to appear for examination by the commanding officer of the naval air station or of the organization to which the candidate is assigned or attached as a prerequisite before undergoing examination.

§ 14.3103 *Lineal precedence for promotions.* (a) For purposes of promotion, officers of the line or staff of the Organized Reserve and Volunteer Reserve and officers of the Staff of the Merchant Marine Reserve will be arranged in a lineal precedence list in each grade, according to dates of commission therein.

(b) Each officer of the Organized and Volunteer Reserve and staff officer of the Merchant Marine Reserve will be assigned a running mate who shall be a line officer of the Regular Navy next junior to him. Such officers will become eligible for promotion when their running mates become eligible.

(c) Running mates will be determined on the following basis:

(1) An officer serving during the time of temporary promotions are in effect will be assigned to a running mate who is the line officer of the Regular Navy in the same grade next junior to him. For the purpose of determining running mates, the highest unrestricted temporary rank of the Regular Navy officer and Naval Reserve officer as on 1 October 1945 will be used. Naval Reserve officers appointed subsequent to 1 October 1945 shall be assigned as a running mate that officer of the Regular Navy having the same rank and same or closest date of rank as of the date of such initial appointment. In the event that a Naval Reserve officer's running mate in the Regular Navy is reduced in rank as a result of postwar readjustment in rank, the Naval Reserve officer will retain the same running mate and will not become eligible for promotion until his running mate becomes so eligible.

(2) A Naval Reserve officer initially appointed to the rank above that of ensign during such time as permanent ranks are in effect will be assigned a running mate who is a line officer of the Regular Navy next junior in grade to the officer so appointed.

(3) Naval Reserve officers appointed in the rank of ensign during such time as permanent ranks are in effect will be assigned a running mate in accordance with the provisions of § 14.1505.

(d) When a Naval Reserve officer returns to inactive duty from active duty in time of peace if, due to the provisions of § 14.1503, he has lost seniority for promotion on the inactive list during his active duty, he shall be restored to his original position of seniority on the inactive list including any promotion which his former contemporaries on the inactive list may have received. However, such an officer may not return to active duty in such restored higher rank until such time as he would have been promoted to that rank had he remained on active duty, except that in time of national emergency or at the discretion of the Secretary of the Navy he may be immediately recalled without loss of rank or seniority.

Promotions of Officers of the Organized Reserve and Volunteer Reserve up to and Including Lieutenant Commander

§ 14.3201 *Promotion by seniority on lineal precedence list.* Officers of the Organized Reserve and Volunteer Reserve will be promoted in the order of their seniority in accordance with the provisions of §§ 14.3201 to 14.3204, inclusive. In no instance shall a Naval Reserve officer be promoted ahead of his running mate in the Regular Navy.

§ 14.3202 *Computation of number of vacancies in each rank.* The total number of officers in the Naval Reserve in the line or various staff corps will be in accordance with mobilization needs. The percentage of Reserve officers in any rank within the line or a given corps may not exceed the percentage of Regular officers of the line or corresponding corps.

§ 14.3203 *Fifty-six days' active service required.* (a) A minimum of 14 days' active or training duty in grade per year, not required to exceed 56 days' active or training duty other than short periods of group training, is required as a prerequisite to eligibility for promotion to the next higher grade, computed from date of rank. In this computation, prior active or training duty as an aviation cadet or prior commissioned service in the Regular Navy may, in the discretion of the Bureau of Naval Personnel, be accepted as equivalent to an equal amount of active or training duty in a commissioned status, in the Naval Reserve for the purpose of establishing eligibility for promotion.

(b) At the discretion of the Bureau of Naval Personnel, a lesser amount of training duty may be required of line and staff officers while in the Volunteer Reserve, but in no case shall such line officer be promoted who has performed less than 28 days' active or training duty in grade, nor a staff officer with less than 14 days, with a naval activity. The provisions of § 14.1810 (f) shall be complied with.

(c) Subject to the provisions of paragraph (b) of this section as to minimum amounts of active or training duty required, credits may be given for the sat-

isfactory completion of correspondence courses in lieu of training duty at a rate prescribed by the Chief of Naval Personnel.

(d) Medical and dental officers of the Volunteer Reserve will be credited with 1 day's training duty for promotion purposes for every five physical examinations or complete dental examinations conducted while in an inactive duty status without compensation. A report of such examinations certified by the commanding officer or Commandant concerned shall be forwarded annually with the officer's annual fitness report.

§ 14.3204 *Required to qualify for promotion when due.* (a) Except as provided in paragraphs (b) and (c) of this section, an officer of the Organized Reserve or Volunteer Reserve will be required to qualify for promotion within a period of 6 months from date of notification that he is due therefore. If he qualifies within this period, he will be promoted without loss of precedence. If he fails to qualify he may be discharged, or, in the discretion of the Bureau of Naval Personnel retained in his rank for a further period of 6 months. During this second 6 months' period, should he qualify he may be promoted but his date of precedence in the next higher grade shall not be earlier than the date of his qualification therefor. At the end of 1 year should he fail to qualify he shall be discharged or retained in accordance with paragraph (c) of this section.

(b) Especially desirable officers in the grades of ensign and lieutenant (junior grade) in lieu of being discharged at the end of the 1-year period, in accordance with paragraph (a) of this section may be retained in present rank for a period of 2 years. During this additional 2-year period, should they qualify they may be promoted, but their date of precedence in the next higher grade shall not be earlier than the date of their qualification therefor. At the end of this additional 2-year period, should they fail to qualify they shall be discharged or retained in accordance with paragraph (c) of this section.

(c) Desirable officers who fail to qualify professionally, may, if so recommended, and in the discretion of the Bureau of Naval Personnel, be retained in rank and class but not beyond their thirty-fifth birthday. This provision will not preclude the discharge of such officer at any time.

Promotions of Officers of the Merchant Marine Reserve up to and Including Lieutenant Commander

§ 14.3301 *Eligibility for promotion; officers of Merchant Marine Reserve.* (a) During peace time, an officer of the Merchant Marine Reserve employed on shipboard is eligible for promotion to grades not above that of lieutenant commander when the following conditions have been fulfilled:

(1) He must be performing permanent duties which would entitle him to appointment in the higher grade were he receiving his original appointment. In order to establish the permanency of his duties, the Bureau of Naval Personnel requires that he shall have been

employed continuously for at least 3 months immediately preceding his application for promotion, under conditions warranting the higher rank in accordance with § 14.2301, provided that the total cumulative service in such position shall not be less than 1 year.

(2) He must be recommended by the following:

For a master:

1. The owners or operators of the vessel or their agent.

2. The Commandant of the naval district.

For a deck officer:

1. The master of the vessel.

2. The owners or operators of the vessel or their agent.

3. The Commandant of the naval district.

For a chief engineer:

1. The owners or operators of the vessel or their agent.

2. The Commandant of the naval district.

For other engineer officers:

1. The chief engineer.

2. The master of the vessel.

3. The owners or operators of the vessel or their agent.

4. The Commandant of the naval district.

(3) He must be physically qualified for original appointment in the higher grade.

(b) During peacetime an officer of the Merchant Marine Reserve not employed on shipboard is eligible for promotion to grades not above that of lieutenant commander, when properly recommended, physically qualified, and employed in connection with the seafaring profession in a position comparable in authority, trust, and responsibility to one afloat. The professional examination for officers of the Merchant Marine Reserve will consist of an examination of their records and progress in professional attainments as indicated in increases in earning capacity, authority and responsibility and in the discretion of the naval examining board a written examination in such subject as the board may specify.

(c) The fitness of an officer of the Merchant Marine Reserve for promotion will be determined from letters of recommendation from persons designated. The letters must substantiate the fact that the officer concerned has actually been employed as prescribed in paragraph (a) (1) of this section and that the record of his service has been satisfactory. The Commandant of the naval district shall make the necessary arrangements for physical examination, and shall forward report of examination with letters of recommendation from the master, owners, or to other required authority and his own recommendation to the Bureau of Naval Personnel via the Bureau of Medicine and Surgery.

§ 14.3302 *Promotion of Merchant Marine Reserve officers on active duty.* Officers of the Merchant Marine Reserve, serving on active duty, will become eligible for consideration for promotion to grades not above that of lieutenant commander, when the line officer of the Regular Navy, next senior, becomes so eligible, provided they have fulfilled the requirements of § 14.3203 (a) as to service in grade and active service in grade and qualify by examinations required

for officers of corresponding classifications of the Organized Reserve and Volunteer Reserve.

Promotions of Officers Above Grade of Lieutenant Commander

§ 14.3401 *Selection boards.* (a) No officer shall be initially appointed in the Organized, Volunteer, or Merchant Marine Reserve in the grade or rank of rear admiral, captain, or commander, nor promoted to such grade or rank, except upon recommendation therefor by a selection board.

(b) For the purpose of complying with the above provisions of law, selection boards will be convened by the Secretary of the Navy, from time to time, as may be required. Each such board will be composed of not less than five officers of the corps and of or above the grade for which selections are to be made, two of whom shall if practicable be officers of the Naval Reserve. The procedure will in general be the same as that followed by selection boards for the Regular Navy.

(c) Selection boards shall be furnished a letter of information on the state of the Naval Reserve which shall include pertinent information relative to mobilization needs and such recommendations as the various chiefs of bureaus and officers concerned may make in this connection.

§ 14.3402 *Promotion above the grade of lieutenant commander in Organized Reserve.* (a) In the Organized Reserve, the authorized number of officers in grades or ranks above that of lieutenant commander is one-half of 1 per centum, or the nearest fraction thereof, of the actual number of enlisted men regularly assigned to the divisions or other units, of the Organized Reserve and entitled to drill pay.

(b) To determine the authorized number of officers in such higher grades or ranks, computations shall be made by the Bureau of Naval Personnel annually as of June 30 and the resulting numbers as so computed shall be held and considered for all purposes as the authorized number on the date of computation, which number shall not be varied between the dates of such computations. But no officer shall be reduced in rank as a result of any computation so made, nor shall his promotion in time of war be restricted on account thereof. The number of officers of command rank authorized in the Organized Reserve as computed in accordance with this section, may be reduced by the number of such officers who have been transferred to the Volunteer Reserve under circumstances, which in the opinion of the Secretary of the Navy, should not properly create a vacancy in the Organized Reserve for an officer of the command rank. Such vacancies shall again become available at the discretion of the Secretary of the Navy or upon separation of the officers concerned from the Volunteer Reserve.

(c) Of the authorized number in such higher grades or ranks, at least two-thirds shall be apportioned to the grade or rank of commander.

(d) The distribution of the number authorized in such higher grades or

rank among classes authorized for the Organized Reserve shall be in the same proportion as the total number of officers in any class bears the total actual number of officers on the rolls of the Organized Reserve as a whole, as of the date of the computation.

For purposes of computations, selections, and promotions, officers classifications, except those of the Chaplain, Civil Engineer, Dental, Medical and Supply Corps will be considered as constituting one class. However, due consideration will be given to an equitable distribution of high ranks in individual classifications.

(e) The vacancies in each grade in each class having been thus determined, the Bureau of Naval Personnel will then initiate action toward convening the necessary selection board or boards, in accordance with the provisions of § 14.3401.

(f) The Bureau of Naval Personnel will submit to the foregoing selection board or boards the names of Naval Reserve officers eligible for consideration for selection, together with their records and other pertinent data. The list of names shall be limited to those whose records in the Bureau of Naval Personnel on October 1 of the fiscal year in which selection is to be held, indicate their eligibility.

(g) The selection boards shall make recommendations for promotion to the grades of commander and captain in numbers not exceeding those required to fill existing and prospective vacancies in these grades.

§ 14.3403 *Promotion above grade of lieutenant commander in Volunteer Reserve.* (a) The number of officers appointed or promoted to grades or ranks above that of lieutenant commander in the Volunteer Reserve shall not exceed mobilization needs for such officers for duties appropriate to these grades or ranks. Vacancies in one grade and class authorize a corresponding excess in lower grades in the same class, provided that the total authorized for any grade and all grades above it, is not exceeded.

(b) Annually, as of June 30, the Bureau of Naval Personnel will make a survey as to the number of officers above the grade of lieutenant commander required in the various classes of the Volunteer Reserve to meet mobilization needs. In accordance with the results of this survey, the Bureau of Naval Personnel will recommend to the Secretary of the Navy the number of officers to be promoted to the grade of captain in the line and in each of the staff components, Volunteer Reserve, and likewise, the number to be appointed or promoted to the grade of commander. Depending upon the Secretary of the Navy's approval, the Bureau of Naval Personnel will then initiate action toward the convening of the necessary selection boards in accordance with the provisions of § 14.3401.

(c) The Bureau of Naval Personnel will submit to the foregoing selection boards the names of Naval Reserve officers eligible for consideration for selection in accordance with paragraph (e) of this section together with their records and other pertinent data, and the names of all eligible civilian candi-

dates, for appointment in such higher grades, together with such information with respect to them as may be available. The list of names shall be limited to those whose records in the Bureau of Naval Personnel on October 1 of the fiscal year in which selection is to be held, indicate eligibility in accordance with paragraph (e) hereof.

(d) The selection boards shall make recommendations for promotion to the grades of commander and captain, and for appointment to the grade of commander in the Volunteer Reserve in numbers not exceeding those approved by the Secretary of the Navy.

(e) Except as provided in § 14.3405, as a prerequisite to eligibility for consideration for selection the following requirements shall be met as of the date of the order convening the selection board or 1 October, whichever is earlier.

(1) General service officers, will become eligible when their running mates do, provided, they have performed not less than 6 weeks of active or training duty, with or without pay, during the last 4 years of such service. Credit may be given for the satisfactory completion of correspondence courses, in lieu of active or training duty, at a rate prescribed by the Bureau of Naval Personnel.

(2) Special service officers will become eligible when their running mates do, provided, they have performed at least 2 weeks' active or training duty, with or without pay, during the last 4 years of such service. Credit may be given for the satisfactory completion of correspondence courses, in lieu of active or training duty, at a rate prescribed by the Bureau of Naval Personnel. Officers who have attained national prominence in the specialty for which selections are to be made, and who are so certified and recommended by the chief of bureau or office having cognizance of the specialty, will be eligible for consideration for selection even though they do not meet the other requirements set forth herein.

(3) Civilian candidates must have attained national prominence in the specialty for which selections will be made and must be so certified and recommended by the Chief of the Bureau or Office having cognizance of such specialty.

(4) Chiefs of bureaus and offices certifying candidates as nationally prominent, shall include in their certification a detailed statement of qualifications and achievements which in their opinion, entitle the candidates to such recognition.

§ 14.3404 *Promotion above grade of lieutenant commander in the Merchant Marine Reserve.* (a) The number of officers appointed or promoted to grades or ranks above that of lieutenant commander in the Merchant Marine Reserve shall not exceed mobilization needs for such officers for duties appropriate to these grades or ranks. Vacancies in one grade and class authorize a corresponding excess in lower grades in the same class, provided that the total authorized for any grade and all grades above it, is not exceeded.

(b) Annually, as of June 30, the Bureau of Naval Personnel will make a survey as to the number of officers above the grade of lieutenant commander required in the Merchant Marine Reserve to meet mobilization needs. In accordance with the results of this survey, the Bureau of Naval Personnel will recommend to the Secretary of the Navy the number of officers to be promoted to the grades of captain and commander. Depending upon the Secretary of the Navy's approval, the Bureau of Naval Personnel will then initiate action toward the convening of the necessary selection boards in accordance with the provisions of § 14.3401.

(c) The Bureau of Naval Personnel will submit to the foregoing selection boards the names of officers eligible for consideration for selection in accordance with paragraph (e) of this section, together with their records and other pertinent data. The list of names shall be limited to those whose records in the Bureau of Naval Personnel on October 1 of the fiscal year in which selection is to be held, indicate eligibility in accordance with paragraph (e) of this section.

(d) Selection boards shall make recommendations for appointments and promotions to the grades of commander and above in numbers not exceeding those approved by the Secretary of the Navy. Such selection boards will also give consideration to initial appointments and promotions to the rank of commander and above, in the Merchant Marine Reserve, of recognized authorities employed on shore in important executive positions in the maritime industry who are known to be outstanding specialists in their field. These appointments and promotions will not be subject to professional examination but based on age, experience, civilian position, and extensive knowledge of their specialty rather than proficiency in naval technique.

(e) Except as provided in § 14.3405, as a prerequisite to eligibility for consideration for selection, deck and engineer officers of the Merchant Marine Reserve must have met the following requirements as of the date of survey of mobilization needs: (1) Must have served not less than 4 years in the next lower grade, and during that time successfully completed three correspondence courses and performed 4 weeks of active duty, provided such training is available.

(2) Must have served not less than 2 years as master or chief engineer of vessels over 5,000 gross tons; or if employed on shore, in a position of comparable authority, trust, and responsibility in connection with the seafaring profession.

(3) Nonseagoing officers employed in important executive positions in the maritime industry and recognized as outstanding specialists in their field will be eligible for selection even though they do not meet the other requirements set forth herein.

§ 14.3405 *Promotion to grade of rear admiral.* (a) In time of peace there shall be allowed in the Naval Reserve officers in the grade or rank of rear admiral in such numbers as determined by the Secretary of the Navy, but not to exceed the

number authorized by law or statutory limitation.

(b) Vacancies in the ranks of rear admiral in the Naval Reserve shall be filled only by officers selected from the next lower grades.

(c) All officers who, on June 30 of the fiscal year during which the selection board meets, will have completed not less than 4 years in the next lower grade in the Organized Reserve, the Volunteer Reserve, or the Merchant Marine Reserve, will be eligible for consideration for selection to fill such vacancy.

(d) The professional examinations of officers selected for promotion to the grade of rear admiral will consist of an examination of their records and progress in professional attainment. Such examination shall be conducted by a special statutory examining board.

§ 14.3406 *Officers required to qualify for promotion when due.* (a) Officers of the Organized Reserve, Volunteer Reserve, or Merchant Marine Reserve, when due for promotion as a result of selection, will be required to qualify therefor within a period of 6 months after date of notification by the District Commandant, the Commandant, Potomac River command, or the Chief of Naval Air Reserve Training of such selection. If they qualify within this period they will be promoted without loss of precedence. If they fail to qualify, they may be discharged, or in the discretion of the Bureau of Naval Personnel retained in their rank for a further period of 6 months. During this second 6 months' period, should they qualify, they may be promoted, but their dates of precedence in the next higher grade shall not be earlier than the date of their qualification therefor.

At the end of the year should they fail to qualify, they may be discharged or:

(1) In the case of an officer of the Organized Reserve transferred in present rank and classification to the Volunteer Reserve.

(2) In the case of an officer of the Volunteer Reserve or Merchant Marine Reserve, upon the recommendation of the bureau or office having cognizance of his specialty, retained in present rank and classification.

(3) Officers retained in accordance with subparagraphs (1) and (2) of this paragraph may be discharged at any time at the discretion of the Secretary of the Navy.

§ 14.3407 *Officers of command ranks in the organized reserve; duties of.* Officers of command ranks in the Organized Reserve may be assigned duty in command of brigades, battalions, wings, air groups, or to staff duty, provided it will promote efficiency.

Professional Examinations

§ 14.3501 *Officers required to qualify by examinations or by correspondence courses.* (a) Naval Reserve officers not on active duty authorized to appear for examination for promotion are required to appear without expense to the Government when directed by the Commandant of naval districts, river commands, or the

Chief of Naval Air Reserve Training for both physical and professional examinations. In lieu of written examinations a Naval Reserve officer otherwise eligible for promotion may qualify therefor by completion of suitable correspondence courses. The latter correspondence courses may be accredited cumulatively only while in grade; completion of all required courses being necessary prior to prescribed date of examination, for exemption therefrom.

(b) An officer shall be allowed a reasonable time to complete his examination, after date of reporting therefor. In the event it becomes impracticable for such officer to continue his examination on consecutive days, he may be allowed additional time, but except on the authority of the Bureau of Naval Personnel, if the professional examinations are not completed within 30 days from the date of their commencement, the unused examination questions shall be returned to the Bureau with a report of the circumstances.

(c) In case an officer does not report for professional examination within 11 months from date of notification as indicated in §§ 14.3204 (a), 14.3406 (a), and 14.3505, report of this fact with appropriate recommendation shall be made to the Bureau of Naval Personnel. Unless such a recommendation contemplates retention of an especially desirable officer in accordance with the provisions of § 14.3204 (b) and (c) the unused examination papers shall be returned to the Bureau of Naval Personnel. If retention is recommended, the papers should be retained pending the Bureau's action.

§ 14.3502 *Professional examinations to be conducted by Supervisory Naval Examining Board.* (a) Professional examinations for appointment or promotion will be conducted by supervisory naval examining boards composed of officers of the regular Navy or the Naval Reserve, or both Navy and Naval Reserve, appointed by the Commandant.

(b) The composition and procedure of the supervisory board shall be in accordance with sections 945 and 937 to 950, inclusive, naval courts and boards.

(c) At least one member of the board shall be present with the candidate at all times while undergoing examination.

(d) Where correspondence courses are submitted a mark of 3.4 or better will be required for credit in lieu of examinations. Correspondence courses will be promulgated and administered by Naval Reserve educational centers. Reports of completion of correspondence courses will be forwarded to the Commandant or Chief of Naval Air Reserve training, as appropriate, and to the Bureau of Naval Personnel for filing in the individual officer's jacket.

§ 14.3503 *Records of proceedings to be forwarded to statutory naval examining boards.* Upon completion of examinations, the record of proceedings shall be forwarded by the Supervisory Naval Examining Board as follows:

(a) *Line officers including warrants of the line.* To: Naval Examining Board, Navy Department, Washington, D. C.

(b) *Medical officers, dental officers, hospital corps officers.* To: Naval Examining Board for Medical Officers, U. S. Navy Medical School, National Naval Medical Center, Bethesda, Md.

(c) *Supply officers and pay clerks.* To: Naval Examining Board for Supply Corps, Navy Department, Washington, D. C.

(d) *Chaplains.* To: Naval Examining Board for Chaplains, Navy Department, Washington, D. C.

(e) *Civil engineers.* To: Naval Examining Board for Civil Engineers, Bureau of Yards and Docks, Navy Department, Washington, D. C.

§ 14.3504 *Scope of examinations and/or correspondence courses for officers of the Organized and Volunteer Reserve.* (a) Examinations will be prescribed for promotion between all ranks and for each classification of officers included in the Organized and Volunteer Reserve.

(b) For each required examination a corresponding correspondence course will be promulgated which may be substituted in lieu of examination.

(c) The Bureau of Naval Personnel will provide study and reference textbooks. These textbooks will be used either for preparation for examinations or for completion of correspondence courses. Textbooks, as well as correspondence courses and scope of examinations will be continually revised to keep them abreast of developments in naval science.

(d) The Bureau of Naval Personnel will promulgate a pamphlet, *Naval Reserve Promotion Requirements*, which will include a detailed outline of the scope of examination and/or correspondence courses specified. For general service officers the scope of examination will be broad, covering the various requirements of general service officers. For special service officers, the scope will be more restricted to the specialty of the classification but will also invariably require a knowledge of general instructions pertaining to all officers of the Naval Reserve.

§ 14.3505 *Scope of examination for officers of Merchant Marine Reserve for promotion to captain and commander.* The examination for promotion to the rank of commander and above for a line officer of the Merchant Marine Reserve will be based on examination of the record of his experience, responsibility, authority, progress, and professional attainments afloat or ashore in connection with the sea-faring profession. Staff officers of the Merchant Marine Reserve will be examined in subjects prescribed for officers of the Organized Reserve and Volunteer Reserve according to their classifications.

Advancement and Changes in Ratings of Enlisted Personnel

§ 14.3601 *Requirements for advancement in classes 01 and 02.* (a) Enlisted personnel in classes 01 and 02 may be advanced in rating to fill vacancies in

RULES AND REGULATIONS

the allowances prescribed for the organizations to which they are attached, in

accordance with the following requirements:

(1) Must fulfill the minimum requirements prescribed in the table below:

TO PAY GRADES

	6	5	4	3	2
Service in present pay grade ¹	9 months.....	1 year.....	1 year.....	18 months.....	2 years.....
Number of days of active or training duty in present pay grade ²	14.....	14.....	14.....	14.....	23, 14 days per year.
Number of drills required ²	14.....	14.....	14.....	14.....	14.....
Attendance at a minimum of 75 percent per year of the number of regular drills authorized during the period required for qualification.					

¹ Except as provided in par. (h) below, active duty in present pay grade in the regular Navy, Naval Reserve, Coast Guard or Coast Guard Reserve may be credited toward this requirement.

² Except as provided in par. (h) below, active duty of 6 months or more in the Regular Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve, in present pay grade, may be accepted in lieu of 14 days active or training duty, and the drill requirements shown in the above table for a maximum of 1 year's service in present pay grade.

(2) Must be recommended for advancement by their commanding officer.

(3) Must pass the required professional examinations as prescribed for enlisted personnel of the Regular Navy for the higher pay grade; except that personnel in the seventh pay grade may be advanced to ratings in the sixth pay grade without professional examination.

(4) Must satisfactorily complete the Bureau of Naval Personnel training courses required for the higher ratings before being examined for advancement, except where there are no courses available in the organization for the ratings for which personnel are being examined. In the latter case, certifications to the effect that the course is not available and the reason therefor shall be placed on each report of examination by the commanding officer of the organization.

(5) The information required by subparagraphs (1) and (4) of this paragraph will appear over the commanding officer's signature on the report of examination, Form NAVPERS 971.

(b) The professional examinations required for advancements to ratings below that of petty officer, first class, except hospital corpsmen shall be conducted by an officer of appropriate class not below the rank of Lieutenant (junior grade). For advancements to petty officer first class, chief petty officer and hospital corpsman ratings, the examinations shall be conducted by a board in accordance with article D-5105 of the Bureau of Naval Personnel Manual insofar as possible.

(c) Personnel in the second pay grade of the above classes will be eligible for advancement to pay grade 1A to fill vacancies in the allowances in ratings and pay grades prescribed for the organization to which attached, in accordance with the following requirements (except as provided in paragraph (h) of this section)

(1) Must have served 3 years in present pay grade in the Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve.

(2) Must have performed 42 days active or training duty (in periods of not less than 14 days each) in the present

pay grade during the three years immediately preceding advancement in rating.

(3) Must have performed a minimum of 75 percent of drills (in present pay grade) authorized during each of the 3 years immediately preceding advancement. Performance of a minimum of 75 percent of the drills authorized for one additional year may be substituted for not more than one of the three training or active duty periods required in subparagraph (2) of this paragraph.

(4) Active duty of 6 months or more, but less than 18 months, in the Navy, Naval Reserve, Coast Guard or Coast Guard Reserve, in present pay grade, may be accepted in lieu of 14 days training duty, and the drill requirements for a maximum of 1 year in present pay grade. Active duty of 18 months or more in the Navy, Naval Reserve, or Coast Guard, or Coast Guard Reserve in present pay grade, may be accepted in lieu of 28 days training duty and the drill requirements for a maximum of 2 years in present pay grade.

(5) Must be recommended by their commanding officers.

(6) Must pass the required professional examination as prescribed for enlisted personnel of the Regular Navy for the higher pay grade.

(7) Must satisfactorily complete the Bureau of Naval Personnel Training Courses for the higher rating, as provided in the cases of other enlisted personnel in paragraph (a) (4) of this section.

(d) Enlisted personnel shall not be advanced more than one pay grade at a time.

(e) Except as provided in paragraph (f) of this section, enlisted personnel may be advanced by unit commanders provided that the total pay grade allowance prescribed for the organization is not exceeded. The term "unit commanders," as used herein, will be defined from time to time by the Bureau of Naval Personnel.

(f) Advancements to pay grade 1A, ratings, advancements in the hospital corps ratings, and changes in rating to hospital corps ratings may be made only after approval by the Bureau of Naval Personnel in individual cases.

(g) For the purpose of fulfilling requirements as to drills, as a prerequisite for advancements due credit by the candidate's C. O. will be given for drills missed on account of absence in the performance of active or training duty; and for drills performed without compensation.

(h) In all cases where active duty in USN, USNR, USCG or USCGR may be credited toward fulfillment of service or other requirements such service in a pay grade from which an individual has been reduced for any reason shall not be so credited.

§ 14.3602 *Requirements for advancement in classes V1 and V2.* (a) Enlisted men of classes V1 and V2 will be eligible for advancement under the same conditions as prescribed in § 14.3601 for the advancement of personnel in classes O1 and O2 with the following exceptions:

(1) An additional period of 14 days' active or training duty may be credited in lieu of the drills for one year required by § 14.3601, during the year immediately preceding the date of advancement.

(2) Attendance in present rating at 75 percent of the drills of the organization to which attached or with which associated, during each of the 3 years immediately preceding advancement to and including pay grade 2, or during each of the 4 years immediately preceding advancement to pay grade 1A, may be credited in lieu of the drills and active or training duty otherwise required.

(3) Where individuals are in a drill pay status advancements may be made only to fill quotas for ratings and pay grades for the organization to which attached or with which associated.

§ 14.3603 *Requirements for advancement in class V3.* (a) Except as provided in paragraphs (b), (c), and (d) of this section, enlisted personnel of class V3 may be advanced to the next higher rating authorized for that class, when they have complied with the requirements set forth hereinafter.

(1) Must fulfill the minimum requirements prescribed in the table below:

TO PAY GRADES

	6	5	4	3	2
Service in present pay grade ¹	9 months.....	1 year.....	1 year.....	18 months.....	2 years.....
Number of days on active or training duty in present pay grade ²	14.....	14.....	14.....	14.....	23, 14 days per year.
Number of drills required ²	14.....	14.....	14.....	14.....	14.....
Attendance at a minimum of 75 percent per year of the number of regular drills authorized during the period required for qualification.					

¹ Except as provided in par. (g) below, active duty in present pay grade in the regular Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve may be credited toward this requirement.

² Except as provided in par. (g) below, active duty of 6 months or more in the Regular Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve, in present pay grade, may be accepted in lieu of 14 days active or training duty, and the drill requirements shown in the above table for a maximum of 1 year's service in present pay grade.

(2) Attendance of 75 percent of the drills prescribed for the organization to which attached for one year in addition to the period specified in the table appearing in subparagraph (1) of this paragraph, is acceptable in lieu of a maximum of 14 days active or training duty.

This exception is made to provide opportunity for advancements when active or training duty is not available, or when for urgent personal reasons the individuals concerned cannot perform the required active or training duty and the substitution of drills therefor is approved by the Commandant of naval districts, river commands or the Chief of Naval Air Reserve training.

(3) Must have satisfactorily completed the Bureau of Naval Personnel training courses required for the higher ratings before being examined for advancement, except where there are no courses available in the organization for the ratings for which the personnel will be examined. In the latter cases certifications to the effect that the courses are not available and the reasons therefor shall be placed on each report of examination, Form NAVPERS 971, by the commanding officer of the organization.

(4) Must pass the required professional examinations as prescribed for enlisted personnel of the Regular Navy for the higher pay grades, except that certain subjects may be exempted when instructional literature and material is not available for training, and where lack of equipment precludes practical demonstration. The examination report, Form NAVPERS 971, shall indicate the subjects exempted for lack of facilities.

(b) For advancement to chief petty officer, acting appointment, Class V3 enlisted personnel must have complied with the requirements of paragraph (a) of this section, as modified below:

(1) Have served 3 years in present pay grade in the Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve.

(2) Have performed 42 days active or training duty (in periods of not less than 14 days each) in the present grade during the 3 years immediately preceding date of advancement in rating.

(3) Have attended 75 percent of the total number of drills authorized during each of the 3 years immediately preceding advancement. Performance of a minimum of 75 percent of drills authorized for one additional year may be substituted for not more than one of the three training or active duty periods required by subparagraph (2) of this paragraph.

(4) Except as provided in paragraph (g) of this section, active duty of 6 months or more, but less than 18 months, in the Navy, Naval Reserve, or Coast Guard, in present pay grade, may be accepted in lieu of 14 days training duty and the drill requirements for a maximum of 1 year in present pay grade. Such active duty of 18 months or more, in present pay grade, may be accepted in lieu of 28 days training duty and the drill requirements for a maximum of 2 years in present pay grade.

(5) Have received Bureau of Naval Personnel approval of such advancement.

(c) Those personnel of class V3 who at the time of their enlistment in the Naval Reserve held valid radiotelegraph operators' licenses issued by the Federal Communications Commission may be initially advanced in accordance with the provisions of § 14.2411 (c). Those V3 personnel who acquire such operators' licenses subsequent to enlistment may be similarly advanced upon receipt of the first license only. Men of class V3 enlisted in seaman ratings may be advanced in accordance with § 14.2411.

(d) Where individuals are in a drill pay status advancements may be made only to fill quotas for rating and pay grades for the organization to which attached or with which associated.

(e) Except as provided in paragraph (f) of this section, enlisted personnel may be advanced by unit commanders provided that the total pay grade allowance prescribed for the organization is not exceeded. The term "unit commanders" as used herein, will be defined from time to time by the Bureau of Naval Personnel.

(f) Advancements to pay grade 1A ratings may be made only after approval by the Bureau of Naval Personnel in individual cases.

(g) In all cases where active duty in USN, USNR, USCG, or USCGR may be credited toward fulfillment of service or other requirements such service in a pay grade from which an individual has been reduced for any reason shall not be so credited.

§ 14.3604 *Requirements for advancement in class V5.* (a) Enlisted personnel of class V5 shall not be advanced in rating in that class.

§ 14.3605 *Requirements for advancement in V6.* (a) Enlisted personnel in class V6 other than shipkeepers, may be advanced in rating in accordance with instructions promulgated from time to time by the Bureau of Naval Personnel. Advancement of qualified personnel may be made by Commandants, except, that advancements to chief petty officers, acting appointment, must be referred to the Bureau of Naval Personnel in the manner prescribed for V1.

(b) Shipkeepers on active duty may be advanced in rating and/or changed in status to pay grade one, in accordance with instructions promulgated by the Chief of Naval Personnel.

(c) Enlisted personnel, other than shipkeepers, on active duty may be advanced in accordance with instructions prescribed for the Regular Navy.

§ 14.3606 *Requirements for advancement in class M1 and M2.* Enlisted personnel of class M1 and M2 may be advanced by rating in accordance with such special instructions as may be issued by the Bureau of Naval Personnel from time to time.

§ 14.3607 *Requirements for appointments to pay grade 1.* Appointments to pay grade 1 may be issued by the Bureau of Naval Personnel to fully qualified personnel when attached to drilling units and when recommended by their commanding officers subject to the fulfillment

of the minimum requirements indicated below:

(a) Must have served in pay grade 1A for a total of 3 years in their respective ratings, have performed not less than 42 days active duty or training duty on a cruising vessel (see paragraph (b) of this section) during the 4 years immediately preceding date of appointment to pay grade 1 and have performed a minimum of 75 percent of the number of regular drills authorized during each year of the period required for qualification.

(b) Vessels of the United States Fleets, vessels assigned to the Naval Reserve, and designated for the performance of the required 14 days' annual training duty of organizations, meet the requirement of "cruising vessel." For personnel in classes O2 and V2 active or training duty performed on a shore aviation station will be considered as duty on a cruising vessel for purposes of qualifying for appointment to pay grade 1.

(c) During the period necessary to establish eligibility the average marks in proficiency in rating, conduct, and ability as a leader of men must not be less than 3.5 with no mark (except marksmanship) less than 3.2.

(d) When recommending personnel for appointment to pay grade 1, commanding officers will forward to the Bureau of Naval Personnel, page 5a-5b of current service record entered to date. Recommendations shall be signed by the commanding officer and shall clearly state the date on which the appointment should become effective.

(e) Appointments in pay grade 1 may not be revoked by the commanding officer. Should a man holding an appointment to pay grade 1 prove not qualified to perform properly the duties of his rating, full report of the circumstances shall be made to the Bureau of Naval Personnel. The man concerned shall be given an opportunity to make a written statement, and this statement shall be forwarded with the recommendation of the commanding officer in the premises.

(f) The effective date of appointment to pay grade 1 will be determined by the Bureau of Naval Personnel and will be stated on the face of the appointment. When an appointment is received, an entry will be made in the service record of the individual concerned and the appointment will be delivered to him at quarters or at drill assemblage. The appointment is the property of the individual but may be put with the service record or continuous service certificate if he so desires.

(g) Failure to be honorably discharged or to reenlist within 3 months of date of discharges, cancels an appointment to pay grade 1.

§ 14.3608 *Reports of examination for advancement in rating.* (a) Examinations for enlistment or advancement in rating of enlisted personnel, and for transfers between classes of the Naval Reserve shall be conducted in accordance with chapter 5, part D, Bureau of Naval Personnel Manual, insofar as applicable, or in accordance with such special instructions as may be issued by the Bureau of Naval Personnel, and reported on Bureau of Naval Personnel Form NAVPERS 971.

(b) Required practical examinations should be carried out insofar as practicable with facilities available to the Naval Reserve. Notation shall be made on Form NAVPERS 971 of the subparagraphs which apply in each case with appropriate entry as to successful completion or lack of facilities. The assignment of marks is not required for practical factors.

§ 14.3609 *Changes in rating in same pay grade.* Changes in rating within the same pay grade may be made under the same conditions as are prescribed for advancements in rating, except as to the requirements for length of service in pay grade, and performance of drills or active or training duty.

SUBPART D—TRANSFERS

Transfers Between Classes of the Naval Reserve

§ 14.4101 *Transfer of personnel from the Organized Reserve.* (a) Personnel of the Organized Reserve who are unable to conform to the requirements of that class, but whose retention in some other class of the Naval Reserve is deemed desirable, may be transferred to such other class for which qualified.

(b) Personnel employed as ship or stationkeepers shall be transferred to class V6 of the Volunteer Reserve.

(c) The transfer of officers out of the Organized Reserve shall not be effected as a means of enforcing discipline.

§ 14.4102 *Transfer of officers to the Organized Reserve.* (a) Officers of the Volunteer Reserve may be transferred to the Organized Reserve to fill vacancies in the Organized Reserve.

(b) Officers of special service classification, who by reason of those classifications are not eligible for the Organized Reserve, may request reclassification in order to become so eligible. Such requests should be forwarded via official channels to the Bureau of Naval Personnel. The Bureau of Naval Personnel will, from time to time, issue instructions concerning age, physical and professional qualifications required for reclassification of officers.

§ 14.4103 *Transfer of officers to the Volunteer Reserve.* (a) Officers of the Organized Reserve may at their own request be transferred to the classes of the Volunteer Reserve for which qualified or they may be so transferred on account of failure or inability to fulfill the requirements of the Organized Reserve. When suitable officers are available to fill vacancies in the Organized Reserve, officers of the Organized Reserve shall be transferred to the Volunteer Reserve in the classification for which qualified, upon arrival at the following age and grade:

Lieutenant commander.....	39
Lieutenant and below.....	35

Each year as of 1 December, one new officer will be taken into each organized unit. The authorized number of Organized Reserve officers will not be thereby increased. Where normal attrition does not provide a vacancy in the total organized officer strength of the unit, it will be necessary to select one officer for

transfer to the Volunteer Reserve. This officer will normally be the oldest officer in the unit. Vacancies otherwise occurring throughout the year may be filled at any time by the transfer of qualified officers to the Organized Reserve in such ranks and classifications as may be currently authorized.

(b) Officers of the Merchant Marine Reserve may be transferred to those classes of the Volunteer Reserve for which qualified to fill vacancies in authorized quotas.

(c) Officers of the Volunteer Reserve, of general service classifications, may be reclassified in special service classifications or other general service classifications for which qualified to fill vacancies in authorized quotas. Requests for reclassifications will be submitted via official channels to the Bureau of Naval Personnel.

(d) Aviation officers who fail to maintain their flight qualifications for unlimited general service duties, but who are otherwise especially desirable and qualified for ground duty or other aviation duty, may be reclassified in special service classification. Officers so classified may be again reclassified for limited or unlimited general service upon reestablishing their qualifications therefor.

§ 14.4104 *Transfer of officers to Merchant Marine Reserve.* Officers of the Organized Reserve and Volunteer Reserve may be transferred to the Merchant Marine Reserve if qualified for that class.

§ 14.4105 *Transfer of officers; data required in effecting.* (a) All reclassifications of officers between classes of the Naval Reserve will be effected by the Bureau of Naval Personnel upon the recommendations of the Commandants of naval districts, river commands or the Chief of Naval Air Reserve training, and bureaus or offices concerned.

(b) Requests for reclassification in a class, the professional requirements of which differ from present classification, shall be forwarded via official channels to the Bureau of Naval Personnel. The forwarding endorsement shall include data as to the professional suitability of applicant for requested reclassification.

§ 14.4106 *Transfers of enlisted personnel between classes of naval reserve.* Commandants of naval districts, river commands, and the Chief of Naval Air Reserve training are authorized to transfer enlisted personnel of the Naval Reserve from one class to another for which qualified, subject to following restrictions:

(a) Transfers to classes O1 and O2 shall only be made to fill vacancies in organized quotas.

(b) Transfers to classes V1 and V2 shall only be made within prescribed quotas.

(c) Enlisted personnel of class V3 must qualify by professional examination required by § 14.3608 for transfer to classes O1, V1, O2, and V2. In addition, enlisted men of classes O2 and V2 must qualify by physical examination for aviation duties as required by the Manual of the Medical Department for unclassified persons ordered to duty involving flying.

(d) Personnel of class V6 who are over the age limit prescribed for original enlistment in classes O1, O2, V1, and V2 shall not be transferred to these classes unless they have had previous service on active duty in the Navy or Coast Guard.

(e) A man who was originally enlisted in some other class of the Naval Reserve in a rating higher than that authorized for first enlistments in the Organized Reserve, may not be transferred to fill a vacancy in the complement of an organization of the Organized Reserve in such higher rating unless he has qualified for the rating by examination, NAVPERS 971.

(f) Enlisted personnel of the Fleet Reserve and Merchant Marine Reserve shall not be transferred to other classes of the Reserve without special authority from the Bureau of Naval Personnel.

Transfers Between Battalions, Divisions, Squadrons, and Other Organizations

§ 14.4201 *Officers of Organized Reserve.* (a) Commandants of naval districts, river commands, and the Chief of Naval Air Reserve training are authorized to transfer officers of the Organized Reserve between battalions, divisions, squadrons, and other units to fill vacancies.

(b) Copies of letters effecting such transfers shall be forwarded to the Bureau of Naval Personnel.

§ 14.4202 *Officers of Volunteer Reserve.* (a) Commandants of naval districts, river commands, and the Chief of Naval Air Reserve training may transfer officers of the Volunteer Reserve from a unit of the Naval Reserve with which associated to another unit for voluntary training.

(b) Copies of letters effecting such transfers shall be forwarded to the Bureau of Naval Personnel.

§ 14.4203 *Enlisted personnel of Organized Reserve.* Commandants of naval districts, river commands, or the Chief of Naval Air Reserve Training, or such unit commanders as they may designate are authorized to transfer enlisted personnel of classes O1 and O2 between battalions, divisions, squadrons, and other units of the Naval Reserve to fill vacancies.

§ 14.4204 *Enlisted personnel of Volunteer Reserve.* Commandants of naval districts, river commands and the Chief of Naval Air Reserve training or such unit commanders as they may designate are authorized to transfer enlisted personnel of the Volunteer Reserve between battalions, divisions, squadrons, or other units of the Organized Reserve with which associated, or between authorized units of the Volunteer Reserve with which attached.

§ 14.4205 *Entries of transfers in service records.* Appropriate entries of all transfers of enlisted personnel shall be made in their service records.

Transfers Between Naval Districts

§ 14.4301 *Transfer of officers not on active duty.* (a) Upon change of permanent official residence of a Naval Reserve officer not on active duty from one

district to another, the Commandant of the naval district, river command or the Chief of Naval Air Training, as appropriate, shall transfer the officer concerned to the naval district indicated and shall transmit the officer's records to the Commandant of the naval district to which transferred. A copy of the letter of transmittal shall be forwarded to the Bureau of Naval Personnel.

(b) Where Naval Reserve officer's records are carried by the Chief of Naval Air Reserve training, and such officers report a change of official residence from one district to another, the Chief of Naval Air Reserve training will forward such records to the Commandant of the officers present home naval district for forwarding as described in paragraph (a) of this section.

(c) Upon change of official residence to an address outside the United States or its possessions, the officer's records shall, except as provided in § 14.1404, be transmitted to the Bureau of Naval Personnel via the Chief of Naval Operations (Office of Naval Intelligence)

§ 14.4302 *Transfer of enlisted personnel not on active duty.* (a) Upon change of permanent official residence from one district to another, the Commandant of his naval district shall transmit by letter the records of the individual concerned to the Commandant of the naval district to which transferred. A copy of the letter of transmittal shall be forwarded to the Bureau of Naval Personnel.

(b) In the event that the records of reservists are carried by the organization to which attached or with which associated, the procedure outlined in § 14.1809 (b) is applicable.

Transfers Between Ships and Stations

§ 14.4401 *Officers performing active duty.* Officers performing active duty in time of peace may be transferred from one ship or station to another by the Bureau of Naval Personnel.

§ 14.4402 *Enlisted personnel performing active duty.* Enlisted personnel performing active duty in time of peace may be transferred from one ship or station to another in the same naval district by the district Commandant. Transfers of such personnel to ships or stations of other districts may be made by the Commandant only upon authority of the Bureau of Naval Personnel in each case.

§ 14.4403 *Officers and enlisted personnel performing training duty.* (a) Officers and enlisted personnel performing training duty may be transferred from the ship or station in which the training was authorized, to another by the Commandant of the district or commanding officer who authorized the training, or by the senior officer present, provided no expense to the Government is involved, and their training can be more effectively carried on by reason of such transfer.

(b) The commanding officer of a ship or station is authorized to effect transfers without prior authority in cases of emergency.

(c) Officers and enlisted personnel shall not, by reason of being called to active duty, be removed from the rolls

of the district from which ordered, unless during the period of active duty a change in official residence is effected. In the cases of officers, the procedure prescribed in § 14.4301 and in the cases of enlisted personnel the procedure prescribed in § 14.4302 shall be followed.

SUBPART E—INSTRUCTION AND TRAINING *Instruction and Training Policy and Assignment of Instructors For Naval Reserve*

§ 14.5101 *Instruction and training policy.* The Bureau of Naval Personnel will provide for the instruction and conduct the training of individuals and organizations of the Naval Reserve so as to obtain trained personnel in numbers and composition to complete the war organization of the Navy.

§ 14.5102 *Bureau of Naval Personnel charged with the instruction and training of the Naval Reserve.* (a) The Bureau of Naval Personnel is charged with the instruction and training of the Naval Reserve and prescribes the details of instruction and training of various individuals and organizations of the Naval Reserve, both ashore and afloat. The Bureau of Naval Personnel will consult with the Deputy Chief of Naval Operations (Air) in all matters concerning aviation personnel.

(b) The cooperation and assistance of the various bureaus and offices of the Navy Department, including the Fleet Operation and Training Commands and the Fleet Training Centers, will be sought in connection with the instruction and training of those individuals and organizations of the Naval Reserve in which such bureaus and offices are concerned.

(c) The Commandants of the several naval districts, river command, and the Chief of Naval Air Reserve Training, under the supervision of the Bureau of Naval Personnel and other cooperating and assisting bureaus and offices, are charged with the instruction and training of the Naval Reserve under their jurisdiction.

(d) Special classes composed of officers and men organized for specialized training may be formed by the Commandants of the several naval districts, and river commands, and the Chief of Naval Air Reserve Training without reference to the Bureau of Naval Personnel.

§ 14.5103 *Inspector-instructors of the Naval Reserve and Naval Reserve instructors—*(a) *Inspector-instructors of the Naval Reserve.* Officers of the Regular Navy of the rank of lieutenant commander or above, who are ordered by the Bureau of Naval Personnel to regular duties instructing the Naval Reserve, will be issued orders as inspector-instructors of the Naval Reserve at the place or in the area in which stationed.

(b) Officers and enlisted personnel of the Regular Navy when ordered by the Bureau of Naval Personnel to additional duty instructing the Naval Reserve, and officers of the Regular Navy below lieutenant commander in rank and enlisted personnel ordered to such duty as regular duty, will be ordered as instructors for the Naval Reserve organization or organizations designated in their orders.

(c) Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training, may assign regular officers and enlisted personnel of the Regular Navy, under their cognizance, to additional duty to assist in the instruction and training of Naval Reserve organizations and individuals under their jurisdiction.

(d) Regular Navy enlisted instructors will be assigned to each division of the Organized Reserve when available.

(e) Commanding officers of Fleet Operational Training Commands and Fleet Training Centers may assign officers and enlisted men additional duty to assist in the instruction and training of naval reservists afloat and ashore.

§ 14.5104 *Officers of the Naval Reserve assigned to duty on commandant's staff to instruct Naval Reserves.* Commandants and the Chief of Naval Air Reserve Training may appoint officers of the Naval Reserve, including those in both active and inactive duty status, to duty on their staffs to assist in the instruction and training of Naval Reserves, but may not place any Reserve officer on active duty for this purpose, except with permission of the Bureau of Naval Personnel.

§ 14.5105 *Assignment of officers to command vessels for training Naval Reserves.* Except for those vessels the commanding officers of which are detailed by the Bureau of Naval Personnel, Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training are authorized to order officers qualified therefor to command vessels assigned for training the Naval Reserve, but not to place any Reserve officer on active duty for this purpose. Copies of orders assigning officers to command such vessels shall be forwarded to the Bureau of Naval Personnel.

§ 14.5106 *Commanding officers of vessels engaged in training Naval Reserves.* Commanding officers of vessels engaged in training Naval Reserve organizations and individuals are charged with the task of providing the maximum training obtainable for the duration of the training period.

§ 14.5107 *Commanding officers of naval air stations concerned with Reserve training.* Commanding officers of naval air stations concerned with Naval Reserve training are charged with the task of providing reservists the maximum training obtainable with the facilities and equipment of their respective air stations.

Instruction of Naval Reserve

§ 14.5201 *Means of instruction provided for Naval Reserve.* The following means of instruction are provided for the instruction of the Naval Reserve:

- (a) Correspondence courses.
- (b) Naval War College correspondence courses.
- (c) Reading courses.
- (d) Enlisted training courses.
- (e) Naval Reserve lectures.
- (f) Supervised group instruction.
- (g) Instruction by radio communication.

§ 14.5202 *Correspondence courses.*

(a) Correspondence courses in various professional subjects will be provided personnel of the Naval Establishment including the Naval Reserve, and the means of conducting such courses established by the Bureau of Naval Personnel with the cooperation and assistance of other bureaus and offices, when required.

(b) The list of professional subjects covered in these correspondence courses, together with the agency conducting each course, will be published from time to time.

(c) Application for enrollment in any of these courses should be made to the nearest Naval Correspondence Course Center. Enrollments in courses conducted by Naval Correspondence Course Centers will be made by that activity. Enrollment in courses, conducted by other agencies, will be made by the agency conducting the course.

§ 14.5203 *Naval War College correspondence courses.* The Naval War College conducts correspondence courses in strategy and tactics, international law, and naval intelligence, in which commissioned officers of the Naval Reserve, including those on inactive duty, are authorized to enroll via their commanding officer or their Commandant.

§ 14.5204 *Reading courses.* (a) Reading courses in various professional subjects will be provided for Naval Reserve officers by the Bureau of Naval Personnel, with the cooperation and assistance of other bureaus and offices, where required.

(b) The list of professional subjects covered in these reading courses will be published from time to time.

(c) Application for issuance of any of these courses should be made to the Commandant, or Chief of Naval Air Reserve Training, who will forward the application together with recommendation to the agency issuing such course.

§ 14.5205 *Training courses for enlisted personnel of the Naval Reserve.* (a) Bureau of Naval Personnel Training Courses, Progress Test and Examination Booklets, and other publications for enlisted personnel will be distributed by the Bureau of Naval Personnel. Requisitions for the above will be submitted by a division or other unit, including aviation units, to the commandant of the naval district. Commandants will fill these requests from publications stocks which will be kept on hand at all times.

(b) Members of the Volunteer Reserve associated with organized units should be issued such publications by their respective units. If not associated with any drilling unit, members of the Volunteer Reserve should obtain such publications from their Commandants.

§ 14.5206 *Naval Reserve lectures.* Naval Reservists, particularly those in a volunteer status not attending drills, should be encouraged to attend lectures. In general, these lectures are prepared by or under the supervision of the Bureau of Naval Personnel. These lectures should be delivered by officers of the Regular Navy; Naval Reserve, other branches of the armed forces, or civilians who are familiar with the particular subject of the lectures. The value of the

lectures will depend largely on the presentation and on the ability of the speaker to include interesting material from his own experience. The use of films, slides, and other training aids should be encouraged. In addition to lectures by and under the supervision of the Bureau of Naval Personnel, lectures on appropriate subjects, prepared and delivered by competent authorities in those subjects, may be provided from time to time. Attendance records at these lectures is indicative of an officer's interest in the Naval Reserve, and favorable mention should be made of this fact in his fitness report.

§ 14.5207 *Supervised group instruction.* Classes of enlisted personnel attached to units should be formed into classes for instruction in their ratings, using the Bureau of Naval Personnel curricula and training courses as the basis for this instruction.

§ 14.5208 *Instruction by radio communication.* For the purposes of instructing members of the Naval Reserve in radio and general communication duties, radio circuits may be established using frequencies designated for the Naval Reserve by the Chief of Naval Operations.

Training of the Naval Reserve

§ 14.5301 *Means of training provided for the Naval Reserve.* The following means are provided for the training of the Naval Reserve:

- (a) Regular drills.
- (b) Annual training duty.
- (c) Appropriate duty.
- (d) Equivalent instruction or duty.
- (e) Training duty with pay.
- (f) Training duty without pay.
- (g) Group training duty.

§ 14.5302 *Regular drills.* (a) Regular drills will consist of training in duties pertaining to the Navy, as designated from time to time by the Bureau of Naval Personnel in separate training instructions.

(b) Regular drills must be:

(1) Prescribed by the Chief of the Bureau of Naval Personnel for the designated division, squadron, or other authorized organization.

(2) Performed under orders in accordance with instructions issued by the Bureau of Naval Personnel.

(3) Designated in advance for each organization as a whole or in increments thereof by its commanding officer.

(4) Of not less than 1½ hours duration.

(5) Attended by officers and men in uniform.

(6) Conducted on days other than legal holidays.

(c) Divisions and other authorized organizations, except aviation organizations and such other organizations as may be specifically authorized by the Bureau of Naval Personnel, will not conduct more than one regular drill in any one calendar week.

(d) Organizations of the aviation component of the Naval Reserve may conduct not more than three regular drills in any one day, not more than three in any one calendar week, nor more than four in any one month. This

provision shall also apply to other organizations which have been authorized to hold more than one drill per week in accordance with paragraph (c) of this section.

(e) When required due to inadequacy of space or facilities, units may drill in increments. Such drills in increments will be counted as one regular drill for the unit as a whole.

§ 14.5303 *Annual training duty.* (a) Annual training duty is prescribed for personnel of the Organized Reserve and authorized for a limited number of personnel of the Volunteer Reserve. Instructions for training while on annual training duty will be issued by the Bureau of Naval Personnel for the surface component and by the Chief of Naval Air Reserve Training for the aviation component.

(b) Schedules for annual training duty will be as prescribed in § 14.5605.

(c) Annual training duty will be conducted in vessels or shore stations designated for this purpose.

§ 14.5304 *Appropriate duty.* (a) Appropriate duties shall be performed in accordance with paragraph (c) of this section, and may consist of any duties other than active or training duty with or without pay, prescribed by the reservist's immediate commanding officer as appropriate to the rank or rating of the reservist concerned.

(b) Orders assigning a reservist to appropriate duty will state the nature of the duty to be performed. Copies will be furnished to the Bureau of Naval Personnel and to the disbursing officer carrying the drill pay accounts.

(c) A period of appropriate duty shall consist of aggregate duty of not less than 1½ hours per calendar week. Duty performed in one calendar week may not be credited in a subsequent calendar week.

§ 14.5305 *Equivalent instruction or duty.* (a) Equivalent instruction or duty for officers and men attached to divisions and other surface organizations will be interpreted as any practical or theoretical instruction, other than group training duty, designated in advance, of not less than 1½ hours duration, conducted on a day other than one on which a drill has been prescribed, and deemed by the commanding officer to be essential for their training. Not more than 1 period of such instruction or duty shall be performed, under the provisions of this paragraph, in any 1 calendar week, not more than 3 in any 1 calendar month, nor more than 16 in any 1 fiscal year.

(b) A period of equivalent instruction or duty may be allowed officers and men attached to units of the Aviation Reserve for an unbroken period of not less than 1½ hours' practical or theoretical ground instruction or for actual flying in Navy aircraft. Such equivalent instruction or duty can be performed only at such times as may be acceptable to the commanding officer of the naval air station; it cannot be performed on a date on which a drill is held for the organization to which the individual is assigned; it need not be designated in advance; and it may be instruction or duty for either a squadron, a group of individuals, or an individual. Officers and men performing equivalent

instruction or duty under authority of this paragraph will obtain certificates from the commanding officer of the station for presentation to their organization commanders as evidence of the instruction received or duty performed. Not more than 1 period of equivalent instruction or duty shall be performed under the provisions of this paragraph in any 1 calendar week; not more than 3 in any 1 month; nor more than 16 in any 1 fiscal year.

(c) Equivalent instruction or duty performed under the provisions of paragraphs (a) and (b) of this section, will not be credited to the organization for purposes of competitive standing.

§ 14.5306 *Training duty with pay.* (a) Officers and enlisted personnel of the Naval Reserve may be permitted, on their own application, to perform training duty with pay and allowances in accordance with the succeeding paragraphs hereof and §§ 14.1701 and 14.1702.

(b) Quotas for training duty with pay for the various classes of the Naval Reserve shall be prescribed by the Bureau of Naval Personnel, in accordance with § 14.1406. Under these quotas no individual or organization shall be given in excess of 14 days' training duty with pay, exclusive of travel time, annually, without authority of the Bureau of Naval Personnel.

(c) Officers and enlisted personnel assigned to training duty with pay, of any character, including duty on district or departmental Naval Reserve policy boards, and duty in connection with selective service conferences, unless otherwise specified, shall be charged against these quotas. Special duty of this character assigned officers of the Naval Reserve shall be in lieu of the annual training duty prescribed by the organizations to which they are attached.

(d) Officers and enlisted personnel are interchangeable in the ratio of three men for one officer, in the Volunteer Reserve training quotas. Quotas are not interchangeable between the surface and aviation components.

(e) In the discretion of the district commandants, a part of the officer training quota may be utilized by placing Naval Reserve medical officers on 2 weeks or less of training duty with pay at several conveniently located centers in each naval district, for the purpose of conducting the necessary physical examinations of reservists residing in the vicinity. The medical officers so detailed may be permitted to remain in their own home communities and permitted to carry on their private practice during this period of training duty, so long as it does not interfere with the conduct of these physical examinations. This should assure sufficient remuneration for them to conduct additional physical examinations gratuitously throughout the year. Also, at less convenient and far-removed locations, Naval Reserve medical officers may be placed on short periods of training duty for a few days only, under these same conditions.

(f) Where no flight pay is involved, orders to officers for training duty with pay and allowances, including mileage, may be issued by Commandants of naval

districts, and river commands and the Chief of Naval Air Reserve Training, within the quotas prescribed by the Bureau of Naval Personnel. Orders to training duty involving flight pay will be issued by the Bureau of Naval Personnel.

(g) Upon completion of training duty with pay, a copy of the orders, with all endorsements, shall be forwarded to the Bureau of Naval Personnel, and to the disbursing officer carrying the drill pay records, under provisions of §§ 14.1701 (d) and 14.1702 (d).

(h) Orders to enlisted personnel for training duty with pay, within prescribed quotas may be issued by Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training. Flight orders and revocations thereof, however, will be issued by the commanding officer under whom serving and a copy forwarded to the Bureau of Naval Personnel.

(i) Officers and men performing training duty with pay shall be examined physically and found qualified therefore prior to commencement, and shall again be examined physically upon completion thereof, and entries made in health records, in accordance with §§ 14.1601 (b) (2) and 14.1604. In addition, officers and men shall have been vaccinated and given antityphoid prophylaxis and entries to that effect made in their health records prior to commencement of such duty, in accordance with provisions of § 14.2409.

(j) Fitness reports shall be submitted upon all officers performing training duty with pay, afloat or ashore, on Form NAVPERS 310A. Marks should be assigned only for proficiency in grade and class. An officer should not be marked on qualifications not required for his classification. However, if the duties assigned include a deck-watch or an engineering watch, this fact, together with marks thereon, should be noted in the appropriate places. Comments regarding physical condition or age or recommendations as to retention in the Naval Reserve or as to promotion are not required, except as they may be incident to remarks on performance of duty. If discharge for inefficiency or other good and sufficient reason should be considered desirable, this should be made the subject of a separate letter.

(k) Funds provided for Naval Reserve personnel called to training duty are intended for training such personnel in duties appropriate to their rank, rate, and classification. In general, if the training duty requested is not appropriate to the rank or rate and classification of the individual it should not be approved. For example, personnel who will be limited to duty on shore during the war ordinarily should not be paid for duty afloat.

(l) Requests for training duty with pay, to be performed outside the jurisdiction of the Commandant or Chief of Naval Air Reserve Training, to whom the request is made, before favorable action thereon, shall be referred to the commanding officer under whom the duty is requested, if ashore, or to a force or type commander or the senior officer present if afloat.

§ 14.5307 *Training duty without pay.* (a) Officers and enlisted personnel of the Naval Reserve who desire to perform training duty without pay or allowances and without expense to the Government for travel to and from such duty, may apply to the Commandant of their naval district, or river command or the Chief of Naval Air Reserve Training, as appropriate. These activities are authorized to approve such requests where the duty is to be performed at activities or on board vessels within their jurisdiction. In the case of a request for training duty without pay in another district or on board a vessel outside his jurisdiction, the Commandant or Chief of Naval Air Reserve Training receiving the request will forward it with recommendation to the Commandant or commanding officer concerned, if ashore, or to a force or type commander or the senior officer present if afloat, for approval or disapproval and return. The necessary orders will be issued by the Commandant of the district or river command to which the reservist making the request is attached, or the Chief of Naval Air Reserve Training in the case of aviation personnel attached to or associated with organized units.

(b) In cases where time does not permit securing the approval of the Commandant concerned or the Chief of Naval Air Reserve Training, requests may be made to a force or type commander or the senior officer present of any naval force. The latter are authorized to approve such requests if available accommodations and other circumstances warrant such action, informing the Commandant concerned or Chief of Naval Air Reserve Training, as appropriate.

(c) Commandants of naval districts and river commands and the Chief of Naval Air Reserve Training are authorized to issue authority to personnel of the Naval Reserve to perform repeated periods of training or other duty, without pay, at the activities or on board vessels within their jurisdiction. Such authority may cover a period not in excess of 1 year but may be renewed from year to year by the Commandant or the Chief of Naval Air Reserve Training. Aviation flight officers who hold effective letters of authority to solo naval aircraft, may be authorized to make flights under authority for repeated periods of duty, in the same manner as they are authorized to perform flights while in an inactive duty status. Such flights shall constitute authorized training duty. Physical examinations will be in accordance with § 14.1605. A separate fitness report will be submitted for officers for each repeated period of training or other duty for two weeks or more. However, when repeated periods of training duty are performed on board the same vessel or station, a separate fitness report will be submitted at the end of the period covered. These fitness reports will be considered as part of the officers' official record. The authorization to perform the duty shall be retained at the activity or on board the vessel where the duty is performed, until it expires or is canceled. At the expiration of each period, it shall be signed by the commanding officer, as to date and time of reporting and detachment, and by the reservist

performing the duty, as to disease or injury while in a duty status. Completed copies shall then be forwarded to the Bureau of Naval Personnel and the Commandant or Chief of Naval Air Reserve Training, as appropriate, and a copy retained for future reference.

(d) Physical examinations for personnel performing training duty without pay, except as noted in paragraph (c) of this section, for repeated periods of training duty, will be in accordance with §§ 14.1601 and 14.1604.

(e) Except as noted in paragraph (c) of this section, fitness reports shall be submitted upon all officers performing training duty without pay, afloat or ashore, as required by §§ 14.1810 and 14.5306 (j).

(f) An entry shall be made in fitness reports and enlisted records to indicate that duty performed was without pay. If records of enlisted personnel are not available on board ships in which training duty without pay is performed, the Commandant concerned will be furnished the necessary information for entry in such records, as required herein.

§ 14.5308 *Group training duty.* (a) In accordance with § 14.1703, personnel of the Naval Reserve may be authorized to perform short periods of group training duty in vessels or at shore stations.

(b) Written orders thereto as training duty without pay will be issued in accordance with § 14.1703.

(c) Appropriate records will be maintained by the authorizing authority.

(d) Physical examinations will be in accordance with § 14.1605.

Naval Correspondence Course Centers; Enrollments in Correspondence Courses; Instructional Courses

§ 14.5401 *Naval correspondence course centers.* (a) Naval correspondence course centers are established as required in various naval districts, to assist the Bureau of Naval Personnel in the preparation of correspondence courses, and to assist in the conduct of the courses.

(b) These correspondence course centers are established by the Bureau of Naval Personnel and are under the administration of this bureau.

(c) Officers of the Regular Navy or Naval Reserve are detailed to duty as officers in charge of these correspondence course centers by the Bureau of Naval Personnel, but additional officers may be detailed by the Commandant to assist him as may be required.

§ 14.5402 *Locations of Naval correspondence course centers.* Naval correspondence course centers are established in the following districts. Each center is responsible for the enrollment as indicated:

(a) *Third Naval District.* For enrollments from the First, Third, Fourth, Fifth, and Tenth Naval Districts, and the District of Columbia.

(b) *Eighth Naval District.* For enrollments from the Sixth, Seventh, Eighth, and Fifteenth Naval Districts.

(c) *Ninth Naval District.* For enrollments from the Ninth Naval District.

(d) *Twelfth Naval District.* For enrollments from the Eleventh, Twelfth,

Thirteenth, and Fourteenth Naval Districts.

§ 14.5403 *Applicants eligible for enrollment; method of enrollment; reports of results.* (a) Officers of the Naval Establishment and Naval Reserve officers and midshipmen may be enrolled in correspondence courses in accordance with instructions issued by the Bureau of Naval Personnel. Enlisted personnel of the Naval Reserve who have been recommended by their commanding officers as prospective officer material may also be enrolled under the same conditions as officers.

(b) Applicants shall normally not be enrolled in more than one course concurrently.

(c) Applicants who reside in foreign countries, except at embassies or legations, shall not be enrolled or permitted to carry on courses while so residing.

(d) All applicants shall make requests for courses to the appropriate naval correspondence course center as shown in § 14.5402, via official channels. Applications will include information as to the location of the applicants' records.

(e) The naval correspondence course centers will enroll applicants without reference to the Bureau of Naval Personnel.

(f) When a student completes a course, his record shall be kept at the naval correspondence course center. A letter certifying satisfactory completion, with the average mark computed to two decimal places, shall be sent to the Bureau of Naval Personnel, with a copy to the naval activities in which the student's records are kept.

(g) The naval correspondence course centers shall report to the Bureau of Naval Personnel and appropriate Commandants or the Chief of Naval Air Reserve Training, as appropriate, the names of all enrollees who have been disenrolled from any correspondence courses, with the reasons therefor.

§ 14.5404 *Enrollment in Naval War College correspondence courses.* (a) Applicants for enrollment in Naval War College correspondence courses will make application to their commanding officer or district Commandant, who shall forward the application to the Naval War College.

(b) At the end of each month, the Naval War College shall inform the Bureau of Naval Personnel and the Naval activity in which the individual's records are kept of the names of all Reserve officers who have been enrolled, who have been disenrolled, and who have completed a correspondence course during the month.

(c) When a Reserve officer completes any one of the Naval War College correspondence courses, the Naval War College shall issue him a suitable certificate and will forward copies of letters of transmittal accompanying this certificate, for inclusion in the officer's official jacket, as follows:

(1) Copy to Chief of Naval Personnel in all cases.

(2) Copy to Chief of Naval Operations (Chief of Naval Intelligence in the case of the course in Naval Intelligence.

Commanding Officers of Stations and Vessels to Which Naval Reservists Report for Training Duty: Naval Reserve Instructors and Inspector-Instructors of the Naval Reserve

§ 14.5501 *Commanding officers of stations and vessels to which Naval Reservists report for training duty.* (a) Commandants and the Chief of Naval Air Reserve Training will, when ordering individual naval reservists to training duty, with or without pay, to stations or vessels, indicate the type of training it is desired the reservist will be given during the training period.

(b) The type of training to be conducted will be such as to qualify the personnel for their particular ranks, ratings, and classifications.

(c) When required commanding officers of stations and vessels will provide for the particular training indicated by assigning officers attached to the station or vessel additional duty to assist in the required training.

§ 14.5502 *Naval Reserve instructors.*

(a) Depending upon current availability, a limited number of personnel of the Regular Navy will be issued orders by the Bureau of Naval Personnel to report to Commandants or the Chief of Naval Air Reserve Training for duty as instructors of naval reservists in localities where their services are most needed or can best be utilized in the training and instruction of divisions, squadrons, or other authorized organizations of the Naval Reserve. To further provide Regular Navy instructors commandants and the Chief of Naval Air Reserve Training shall recommend to the Chief of Naval Personnel the issuance of additional duty orders as Naval Reserve instructors to personnel most available and best suited for such duty. In making these recommendations, Commandants and the Chief of Naval Air Reserve Training shall endeavor to limit travel required of instructors as much as practicable, and shall give due consideration to the effect upon paramount duties of officers concerned.

(b) It is desirable, where travel is not involved, to use the regular petty officers of the recruiting service and shipkeepers who are sufficiently trained to assist in the instruction, and Commandants and the Chief of Naval Air Reserve Training shall make such arrangements as may be possible to that end.

(c) At localities distant from district headquarters, it is particularly desirable to take advantage of personnel performing duty thereat for liaison and training assistance, where travel is not involved. Commandants and the Chief of Naval Air Reserve Training should initiate action leading to the use of such personnel whenever their regular duties permit such service.

(d) Personnel of the Regular Navy, including staff members of operational training commands, will be ordered to temporary duty afloat or on training cruises as instructors with the Naval Reserve whenever practical.

§ 14.5503 *Naval Reserve instructors' attendance at regular drills.* (a) Officers

or petty officers who are assigned to instruct Naval Reserve divisions, squadrons, and other authorized organizations, in their immediate vicinity, shall attend each regular drill insofar as practicable. Officers assigned to instruct organizations not in their immediate vicinity will be provided automotive equipment to enable them to attend regular drills of such organizations.

(b) In attending regular drills, instructors shall wear appropriate uniforms.

§ 14.5504 *Duties of Naval Reserve instructors.* (a) The duties of instructors of naval reservists are essentially advisory. Officers in command of Reserve units are responsible for the efficiency of their commands, and instructors shall in no way usurp the functions of these officers. Commanding officers shall, however, lose no opportunity to utilize to the fullest extent the experience and practical and theoretical knowledge of the instructors.

(b) The advice of the instructor on all matters pertaining to training and instruction should be freely sought and freely given. Instructors shall prepare and deliver such lectures, conduct such classes, and assist in the planning and execution of instructions for the benefit of both officers and enlisted personnel, as commanding officers may require in carrying out the training instructions. Instructors shall further assist commanding officers in obtaining necessary instructional books and materials.

(c) The commanding officer of a naval air station devoted to Reserve training, or the commanding officer of the Naval Air Reserve training unit is responsible for the instruction of naval aviation reserve personnel attached to the air group or other unit. He shall have direct supervision over all training activities of the Naval Reserve and Marine Corps Reserve aviation units assigned to the station. For military purposes Naval and Marine Corps aircraft crews temporarily at a station come under the jurisdiction of the commanding officer of the station during their stay.

§ 14.5505 *Inspector-instructors.* (a) Inspector-instructors will perform the duties normally required of Naval Reserve instructors except insofar as instruction contained in this article, or otherwise promulgated by the Bureau of Naval Personnel, make the instructions for Naval Reserve instructors inapplicable to inspector-instructors.

(b) Inspector-instructors will ascertain by informal inspections that organizations to which they are assigned meet required standards as to personnel, training armories, equipment, records, etc. They may be ordered by commandants and the Chief of Naval Air Reserve training to inspect organizations to which they are not assigned.

(c) Inspections should be conducted with a view toward correcting errors and mistakes, insuring compliance with regulations, orders and instructions, and observance of standard training methods and procedures.

(d) Inspector-instructors shall keep commandants or the Chief of Naval Air Reserve training, as appropriate, in-

formed of the state of training of personnel, the adequacy of training facilities and equipment, and recommend necessary measures to improve efficiency.

(e) Inspector-instructors shall furnish pertinent information to the reporting seniors for annual fitness reports of commanding officers of units to which they are assigned, provided they are senior to such commanding officers, and provided, that such commanding officers are under the cognizance of the Commandants. The reports of other officers attached to organizations shall be forwarded via the inspector-instructor and shall be accompanied by his comments for the Commandant's information. For the aviation component fitness reports shall be prepared by the reporting seniors in the chain of command, and shall be forwarded to the Bureau of Naval Personnel via the commanding officers of the naval air station, with a copy to the Chief of Naval Air Reserve Training.

(f) Upon recommendation of the Commandant subject to approval of the Bureau of Naval Personnel, inspector-instructors may be attached to ships conducting annual training cruises to assist the commanding officers in supervising the instruction.

§ 14.5503 *Travel orders for inspector-instructors of the Naval Reserve and Naval Reserve instructors.* Temporary additional duty orders authorizing inspector-instructors of the Naval Reserve and Naval Reserve instructors to make necessary visits to organizations of the Naval Reserve should be obtained direct from Commandants concerned or the Chief of Naval Air Reserve Training, as appropriate. Such requests must be submitted sufficiently in advance of the proposed travel to allow orders to be issued.

Instruction and Training of the Organized Reserve

§ 14.5601 *Officers and personnel of the Organized Reserve required to perform annual training duty and to attend regular drills.* (a) Officers and personnel of the Organized Reserve are required to perform annual training duty, as prescribed in § 14.5303.

(b) Officers and personnel of the Organized Reserve are required to perform other duties; these other duties are hereby prescribed as regular drills, equivalent instruction or duty, or appropriate duty, in accordance with §§ 14.5203, 14.5204, and 14.5305.

§ 14.5602 *Units of Organized Reserve for purposes of training.* (a) For purposes of training, officers and enlisted personnel of the surface component of the Organized Reserve are formed into divisions or other units.

(b) For purposes of training, officers and enlisted personnel of the aviation component of the Organized Reserve are formed into squadrons or other units as appropriate.

§ 14.5603 *Personnel of division and squadrons will be instructed and trained in specific duties.* Officers and enlisted personnel of the Organized Reserve will be instructed and trained in the specific duties prescribed for their ranks, ratings, and classifications.

§ 14.5604 *Instruction and training of units specified by the Bureau of Naval Personnel.* (a) Instruction and training conducted by units of the Organized Reserve at regular instruction periods will be in accordance with curricula and other detailed training instructions issued or authorized by the Bureau of Naval Personnel or the Deputy Chief of Naval Operations (Air).

(b) Instruction and training conducted by units of the Organized Reserve on annual training duty will be in accordance with the detailed training instructions issued or authorized by the Bureau of Naval Personnel or the Deputy Chief of Naval Operations (Air).

§ 14.5605 *Schedules of regular drills and annual training to be published in advance.* (a) Unit commanders will publish in advance the days and hours for regular drills, furnishing copies of these schedules to the Commandant of the district, river command, and the Chief of Naval Air Reserve Training, as appropriate, and to the disbursing officer carrying the drill pay records.

(b) The Bureau of Naval Personnel will issue schedules in advance for the dates and itineraries for annual training exercises for personnel of the surface component of the Organized Reserve.

(c) The Deputy Chief of Naval Operations (Air) will issue schedules in advance for the dates and itineraries for the annual training exercises of the aviation component of the Organized Reserve.

§ 14.5606 *Officers and enlisted personnel of the Organized Reserve required to perform drills and annual training duty.* (a) Except as specified in paragraph (b) of this section, officers and enlisted personnel of the Organized Reserve are required to perform annual training duty. They are also required to attend the regular drills, prescribed for the unit to which they are attached, except when authorized to perform appropriate duty, or other equivalent instruction or duty, in accordance with §§ 14.5304 and 14.5305.

(b) Officers and enlisted personnel of the Organized Reserve may be released from their obligations to perform annual training duty for good and sufficient reasons. Those failing to perform the required training shall submit letters in explanation of their reasons therefor. These letters of explanation shall contain the following information:

- (1) Fiscal year for which submitted.
- (2) Date of enlistment or appointment.
- (3) Date transferred to Organized Reserve.
- (4) Dates of active or training duty performed during preceding 4 years or since enlistment (if serving in first enlistment).
- (5) Previous years released from obligation to perform training duty.
- (6) Number of drills attended during preceding fiscal year.
- (7) Reasons for failure to perform training duty.

This information should be verified by the organization commander and the letters of explanation forwarded, with appropriate recommendations, to the

Commandant or Chief of Naval Air Reserve Training, as appropriate, for action. All letters of this type concerning members of any organization shall be forwarded at the same time by the organization commander, with recommendations.

(c) Aviation squadrons shall perform their annual training duty as a unit or as nearly a complete unit as possible. Training duty for those officers who, for good reason, are unable to perform their training with their squadrons, may be arranged for groups of not less than four officers whose qualifications and experience are such that they may jointly carry out the parts of the annual syllabus for Naval Reserve aviation training. Naval aviators on extended active duty at the various Naval Reserve aviation activities may be utilized, when necessary, to complete such groups. In such cases the commanding officers of naval air stations concerned with Naval Reserve training, in forwarding endorsements, will state that one or two regularly assigned officers, as the case may be, will be available to carry out these requirements.

§ 14.5607 *Record of regular drills.* The commander of each organization for which regular drills are prescribed shall keep a permanent record of each officer and enlisted reservist of his organization, showing the number of drills prescribed during the month, the name of the person, the date of the drill, the period during which he was actually present and under instruction in uniform, and the character of drill and instruction for the entire period. The immediate commanding officer of a reservist authorized to receive equivalent instruction, perform equivalent duty, or to perform appropriate duties, shall likewise maintain a complete record showing the date, place, amount, and the character of the duty or instruction. Form NAVPERS 568 shall be used for the above purposes.

Instruction and Training of the Merchant Marine Reserve

§ 14.5701 *Officers and men of the Merchant Marine Reserve eligible for instruction and training.* (a) Officers and men of the Merchant Marine Reserve while engaged in the seafaring profession are eligible for naval training and instruction. The Bureau of Naval Personnel may assign officers of the Navy or Naval Reserve to duty in the United States Merchant Marine cadet corps and State maritime academies to assist in the administration and training of the midshipmen enrolled in the Merchant Marine Reserve.

(b) The Bureau of Naval Personnel correspondence courses, the Naval War College correspondence courses and other courses made available to members of the Naval Reserve shall, if suitable, be made available to members of the Merchant Marine Reserve.

(c) The policy shall be to provide personnel of the Merchant Marine Reserve with sufficient naval training so that there will be available for mobilization in the naval service, in the event of a national emergency, a force of experienced officers indoctrinated in naval ad-

ministration and familiar with naval organization.

§ 14.5702 *Officers and men of the Merchant Marine Reserve may be authorized to perform training duty.* (a) Officers and men of the Merchant Marine Reserve may be authorized, on their own request, to perform training duty with or without pay in accordance with §§ 14.5306 and 14.5307.

(b) The number of officers and men who may be ordered to training duty with pay will be in accordance with training quotas prescribed by the Bureau of Naval Personnel, which quotas will depend on the availability of funds for this specific purpose.

§ 14.5703 *Units of the Merchant Marine Reserve authorized to perform regular drills and annual training duty.* The Bureau of Naval Personnel may authorize units of the Merchant Marine Reserve to perform regular drills and annual training duty.

§ 14.5704 *Training of Merchant Marine Reserve; 10-year plan.* To provide annual increments of trained officers in the Naval Reserve there shall be a quota of 300 or more junior officers for active training-duty afloat for a period of 1 year; these officers to be graduates of Federal or State maritime academies, or other suitably qualified officers of the Merchant Marine Reserve, who request such duty. Implementation of this policy will provide a force of 3,000 or more experienced Merchant Marine Reserve officers adequately indoctrinated in naval administration and organization serving as senior officers in vessels of the U. S. Merchant Marine and available for mobilization. The foregoing is subject to the provisions of §§ 14.5701 and 14.5702 (b)

Instruction and Training of the Volunteer Reserve

§ 14.5801 *Personnel of the Volunteer Reserve instructed and trained as individuals.* (a) Personnel of the Volunteer Reserve are instructed and trained as individuals in the specific duties of their particular rank, rating, and classification, or they may be trained in organizations authorized in accordance with §§ 14.5803, 14.5805, and 14.5806.

(b) The Bureau of Naval Personnel correspondence courses, Naval War College correspondence courses, and instructional courses for their particular classification are available to the officers for the required instruction. Bureau of Naval Personnel training courses are available to enlisted personnel.

(c) Members of the Volunteer Reserve are encouraged to perform training duties in order to familiarize themselves with the specific duties of their ranks, ratings, or classifications.

§ 14.5802 *Personnel of the Volunteer Reserve may be authorized to perform training duty.* (a) Personnel of the Volunteer Reserve may be authorized, on their own request, to perform training duty with or without pay in accordance with §§ 14.5306 and 14.5307, but this training duty must be such as to provide additional duties of their ranks, ratings, and classifications.

(b) The number of personnel who may be ordered to perform training duty with pay will be in accordance with training quotas prescribed by the Bureau of Naval Personnel, which quotas will depend on the availability of funds for this specific purpose.

§ 14.5803 *Organizations of Volunteer Reserve personnel authorized to perform regular drills and annual training duty.* (a) The Bureau of Naval Personnel may authorize the formation of organizations of personnel of the Volunteer Reserve to perform regular drills and annual training duty.

(b) The number of organizations and their composition will be specified by the Bureau of Naval Personnel and will depend on the availability of funds for this specific purpose.

§ 14.5804 *Training of Volunteer Reserve organizations.* (a) Authorized organizations of the Volunteer Reserve will be trained in accordance with instructions issued by the Bureau of Naval Personnel.

(b) The needs of a district for officers to carry on the peacetime administration and training of organizations of the Volunteer Reserve will be given due consideration by the Bureau of Naval Personnel.

§ 14.5805 *Personnel and organizations of the Volunteer Reserve authorized to train with units of the Organized Reserve.* (a) The Commandants of the naval districts, river commands, and the Chief of Naval Air Reserve Training are authorized to permit officers and personnel and organizations of the Volunteer Reserve to train with units of the Organized Reserve.

§ 14.5806 *Groups of personnel of the Volunteer Reserve may be organized to conduct instruction and training.* (a) The Commandants of naval districts, river commands, and the Chief of Naval Air Reserve Training may organize groups of personnel of the Volunteer Reserve for instructional purposes.

(b) Commandants of naval districts are authorized to assign Reserve officers as instructors of such classes, and when so assigned they may be given appropriate duty pay by authority of the Bureau of Naval Personnel.

§ 14.5807 *Personnel designated as Naval aviators; required to maintain efficiency as such.* Personnel designated as Naval aviators who by their records indicate that they are failing to maintain their flight qualifications, shall be required to pass such flight tests as may be prescribed by the Deputy Chief of Naval Operations (Air) once every 3 years, or oftener as may be desirable in order to demonstrate their fitness for further retention in a pilot status. Failure to take or pass such test will be considered as sufficient cause for transfer to another class for which qualified or discharge.

Naval Reserve Inspection Boards

§ 14.5901 *The purpose of Naval Reserve inspection boards.* The purpose of Naval Reserve inspection boards is to determine the degree of preparedness of the Naval Reserve to meet requirements in the event of a war or a national

emergency. They shall make such inspections of the administration, organization, and training of the Naval Reserve, and of the various organizations thereof, as may be directed by the Chief of Naval Personnel or the Deputy Chief of Naval Operations (Air) as appropriate.

§ 14.5902 *Responsibility for inspection of Naval Reserve activities.* The Chief of Naval Personnel is responsible for the inspection of all activities of the Organized, Volunteer, and Merchant Marine Reserve, except Naval Reserve aviation activities. The Commandant of each naval district and river command is responsible to the Chief of Naval Personnel for the inspection of all Naval Reserve activities within his district, except Naval Reserve aviation activities, and will promulgate instructions for such inspections. Instructions appearing in §§ 14.5903 and 14.5904 apply only to inspection of Naval Reserve activities other than aviation.

§ 14.5903 *Composition and function of Naval Reserve inspection boards.* (a) Naval Reserve inspection boards will include a senior inspection reviewing board, convened within the Bureau of Naval Personnel, district inspection boards, convened in each naval district and river command, and such additional inspection boards as Deputy Chief of Naval Operations (Air) may establish for the inspection of Naval Reserve Air Activities. The function of the reviewing board convened within the Bureau of Naval Personnel will be to review the reports of the annual inspection of all activities of the Naval Reserve, except aviation activities. The functions of the district inspection boards, convened in each naval district and river command, will be to conduct the annual inspection of all activities of the Naval Reserve under the cognizance of the Commandant concerned.

(b) The Naval Reserve inspection reviewing board shall consist of as many officers as are required to perform its functions. At least three members of this board, including the senior member, shall be line officers of the Regular Navy. In addition to these line officers, staff corps, and special activities, such as electronics, intelligence, submarines, etc., should be represented on the board.

(c) The Naval Reserve district inspection boards shall be similar in composition to the Naval Reserve inspection reviewing board. Additional members of the district boards, over and above the minimum of three line officers of the Regular Navy, may be either Regular or Reserve officers. The use of qualified Reserve officers as additional members of district boards should be encouraged, but the senior member of the board should always be one of the three regular line officers.

(d) Members of the Naval Reserve inspection reviewing board shall be ordered to this duty by the Chief of Naval Personnel. Chiefs of bureaus and heads of offices in the Navy Department will be consulted as to the assignment, to this board, of officers who will represent the bureaus and offices concerned. Members of district inspection boards shall be assigned by the Commandants concerned.

§ 14.5904 *Duties of Naval Reserve inspection boards.* (a) District boards ordered by Commandants of naval districts and river commands shall conduct annual inspections of all Naval Reserve activities under their cognizance within that district or river command. A separate report shall be made on each organization inspected. Such reports shall be submitted to the Commandant of the naval district or river command concerned, who will forward them to the Chief of Naval Personnel. A copy of the report shall be supplied to the commander of the organization inspected, and in the case of units restricted to a specialty, such as communications, intelligence, medicine, etc., to the head of the office or bureau concerned with such specialty.

(b) The Naval Reserve inspection reviewing board will review the reports of inspections conducted in accordance with the provisions of paragraph (a) of this section, and make appropriate comments and recommendations thereon to the Chief of Naval Personnel.

(c) In making their reports, the district boards conducting the inspections shall take into consideration analysis of the reports of cruises, and active training duty of the various organizations and the degree to which they had conformed with the prescribing training syllabi.

(d) The Naval Reserve inspection reviewing board shall prepare and promulgate procedures and instructions for the conduct of inspections of all organizations of the Naval Reserve, except aviation activities. The district inspection board shall prepare and publish schedules of inspections for all Naval Reserve organizations under the cognizance of the respective naval district or river command.

(e) The Naval Reserve inspection reviewing board shall prepare and submit to the Chief of Naval Personnel an annual report covering its activities, and commenting on the state of training of the Naval Reserve, except aviation activities, as indicated by the inspections. The Chief of Naval Personnel will transmit this annual report with appropriate recommendations to the Secretary of the Navy via the Chief of Naval Operations.

SUBPART F—DISCIPLINE, DISCHARGES, RESIGNATIONS AND RETIREMENTS

Discipline

§ 14.6101 *Naval Reservists subject to Naval regulations.* All members of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to or from such duty, or appropriate duty, drill, or instruction, or during such time as they may by law be required to perform active duty, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy.

§ 14.6102 *Disciplinary action not barred by release from duty status.* Disciplinary action for an offense committed while subject to the laws, regu-

lations, and orders for the government of the Navy shall not be barred by reason of release from duty status of any person charged with the commission thereof.

§ 14.6103 *Retention on or return to duty status for disciplinary action.* For the purpose of carrying the provisions of this section into effect, members of the Naval Reserve may be retained on or returned to a duty status without their consent, but not for a longer period of time than may be required for disciplinary action.

§ 14.6104 *Administration of discipline.* (a) Commanding officers of authorized units of the Naval Reserve will be responsible for the maintenance of discipline among personnel of those units in the same manner as a commanding officer of the Regular Navy for his command. Personnel of the Volunteer Reserve not attached to units of the Naval Reserve will be directly under the commandants for matters of discipline.

(b) Commanding officers of authorized units of the Naval Reserve have the same authority to assign punishments prescribed by the laws, regulations, and orders for the government of the Navy as the commanding officers in the Regular Navy. However, they will be limited in the assignment of certain punishments by the conditions of service of naval reservists on inactive duty in a drill status. Instructions governing the Navy Department's policy in regards to disciplinary action on the part of the commanding officers of reserve units will be promulgated by the Chief of Naval Personnel.

Discharges

§ 14.6201 *Discharges of officers and enlisted personnel.* (a) In time of peace officers and enlisted personnel of the Naval Reserve shall not be discharged except upon the expiration of their terms of service or upon their own requests or for full and sufficient cause in the discretion of the Secretary of the Navy, or in the cases of enlisted personnel in the discretion of the Chief of Naval Personnel.

(b) Officers and enlisted personnel of the Naval Reserve on active duty shall be subject to separation from the Naval Reserve in the same manner as may be provided by or in pursuance of law for the separation of officers and enlisted personnel of the Regular Navy.

(c) Officers and enlisted personnel whose services are determined by the Bureau of Naval Personnel to be of greater value to the Government in the event of war, in present civilian occupation than they would be if mobilized as naval reservists, will be discharged upon recommendation by the district commandants but without prejudice to their later reappointment or reenlistment in the grade or rate held at the time of discharge, provided, they are qualified in accordance with current instructions and are needed to fill vacancies in quotas.

§ 14.6202 *Discharge of officers for cause.* (a) Officers of the Naval Reserve, on inactive duty, may be discharged by

the Secretary of the Navy for full and sufficient cause, including the following:

(1) Failure to keep the Bureau of Naval Personnel and the district commandant informed of official residence.

(2) Failure to reply to official communications.

(3) Failure to submit such reports as may be required by the Secretary of the Navy.

(4) Obvious lack of interest.

(b) Within a reasonable time, prior to discharge for cause, under the provisions of §§ 14.6201 to 14.6209, inclusive, officers shall be given an opportunity to be heard by the Secretary of the Navy, or such administrative authority or other agency as he may designate, which opportunity will be considered as having been given through the mailing of notice to their address on file in the Navy Department.

(c) Pursuant to the discretion vested in the Secretary of the Navy by the foregoing provisions, officers under consideration for discharge for cause may submit such statement as they desire to the Chief of Naval Personnel via official channels. In cases of officer about to be recommended for discharge for cause by the Commandant the officer concerned shall first be notified by the Commandant that such action is contemplated and that he is thereby offered an opportunity to make such statement as he may desire. Officers receiving notification of their pending discharge are also privileged to state their case in person to the Chief of Naval Personnel or to the Commandant of the naval district or to such officer attached to the Bureau of Naval Personnel or to the staff of the Commandant of the naval district not below the rank of commander as may be assigned such duty by the Chief of Naval Personnel or the Commandant. The written statement submitted by the officer will be transmitted to the Secretary of the Navy for his consideration, with the letter of the Chief of Naval Personnel recommending discharge.

(d) Officers receiving notification of their pending discharge shall promptly acknowledge same and will be given approximately 30 days, exclusive of the usual length of time required for transmittal of a letter through the mails, in which to prepare a statement or otherwise to be heard. Extensions of time in which to prepare a statement may be granted in the discretion of the Bureau of Naval Personnel.

§ 14.6203 *Routine administrative discharges of officers.* Officers of the Naval Reserve on inactive duty may be discharged by the Secretary of the Navy for administrative reasons, including the following:

(a) Age in grade.

(b) Failure to appear for or failure to pass prescribed physical or professional examinations.

(c) Failure to carry out agreement entered into prior to appointment.

(d) Civilian occupation incompatible with Naval Reserve status.

(e) Approval of a claim for a pension, permanent disability allowance or compensation, or retired pay as defined in § 14.7305 (a).

§ 14.6204 *Discharge of retired officers and enlisted personnel.* Officers and enlisted personnel who have heretofore been transferred to the retired list of the Naval Reserve Force, the retired list of the Naval Reserve, or to the honorary retired list of the Naval Reserve, or who may hereafter be so transferred, shall at all times be subject to the laws, regulations, and orders for the government of the Navy, and shall not be discharged therefrom without their consent, except by sentence of a court martial, or in the discretion of the Secretary of the Navy, when sentenced by civil authorities to confinement in a State or Federal penitentiary as a result of a conviction for a felony.

§ 14.6205 *Resignations of Naval Reserve officers.* (a) The President, or the Secretary of the Navy acting for him, may accept the resignation of a commissioned officer of the Naval Reserve. The Secretary of the Navy may accept the resignation of a warrant officer, cadet, or midshipman of the Naval Reserve.

(b) A Naval Reserve officer submitting his resignation will include therein the precise reason therefor.

§ 14.6206 *Discharge of enlisted personnel.* (a) When not performing active naval service enlisted personnel shall be discharged upon the expiration of their enlistments, or upon their requests. Such discharges will be effected by the commanding officers of the organizations to which the individuals concerned are attached, or if not so attached, by the Commandants carrying their records. Enlisted personnel may be discharged for one of the following additional reasons, with type of discharge warranted by their service records:

(1) Civilian occupation incompatible with Naval Reserve status (after approval by the district Commandant)

(2) For cause (after approval by the Chief of Naval Personnel)

The provisions of article D-9103 (BuPers Manual) and the articles referred to therein insofar as applicable to Reserves not on active duty, shall apply to discharges issued under this paragraph except the columns under the heading "Special Provisions Regarding Discharges."

(b) When performing active naval service an enlisted man shall be discharged when appropriate, under applicable provisions of part D, chapter 9, BuPers Manual, except that no man shall be discharged during a period of training duty or as the result of an offense committed while on training duty, without the prior approval of the Chief of Naval Personnel.

§ 14.6207 *Honorable discharge.* In time of peace an honorable discharge shall be issued only on the expiration of enlistment. In general, an honorable discharge will carry with it recommendation for reenlistment.

§ 14.6208 *Character of discharge to be entered on discharge certificate.* The character of discharge shall be entered on the discharge certificate, in the service record, and in the continuous-service certificate.

§ 14.6209 *Discharge of Enlisted Reservists for enlistment or appointment in other naval and military organizations.* Except in time of war or national emergency, Commandants of naval districts and commanding officers of Naval Reserve organizations are authorized to issue discharges to enlisted reservists desiring to enlist or to accept appointment in the Army, Navy, Marine Corps, or Coast Guard. Such discharge should be mailed to the recruiting officer or appointing officer requesting it for delivery to the prospective recruit or candidate for appointment, prior to enlistment or appointment in the other naval or military organization, or returned to the issuing officer in case of rejection. During war or national emergency no such discharges shall be issued without the prior authority of the Bureau of Naval Personnel.

Honorary Retired List

§ 14.6301 *Honorary retired list defined.* The honorary retired list of the Naval Reserve shall be composed of officers of the honorary retired list existing on June 30, 1938, transferred to the honorary retired list, and of officers and enlisted personnel of the Naval Reserve thereafter transferred thereto in accordance with the provisions of §§ 14.6302, 14.6304, or 14.6305 on account of age, age-in-grade, physical disability, or completion of 20 years' service in the Naval Reserve.

§ 14.6302 *Discretionary transfer of officers to the honorary retired list.* Officers of the Naval Reserve found not physically qualified for active service as the result of any physical examination conducted or reviewed by a board of medical officers, shall, within the discretion of the Secretary of the Navy, be honorably discharged or placed on the honorary retired list, except where transfer to the retired list with retirement pay in accordance with § 14.7501 is indicated.

§ 14.6303 *Service eligibility for transfer to honorary retired list.* In determining whether an officer shall be discharged or transferred to the honorary retired list on account of physical disabilities, or on account of age-in-grade for ages below 64 years, the following will be eligible for transfer to the honorary retired list:

(a) Those who have had honorable service on active duty as commissioned or warrant officers, cadets, midshipmen, or in an enlisted status, in any of the services enumerated in § 14.6305, at any time between April 6, 1917, and November 11, 1918, inclusive, or during any other war or national emergency declared by the President of the United States.

(b) Those whose physical disqualifications are due to injuries or diseases incurred in line of duty while performing active military or naval service as defined in § 14.7301 (a) except officers transferred to the retired list with retirement pay in accordance with § 14.7501.

(c) Those who have had a total of 15 years' meritorious service, commissioned or otherwise, in any of the services enumerated in § 14.6305.

An officer may be discharged instead of being placed on the honorary retired

list even though he meets one or more of the above requirements, should his separation from the naval service be determined to be desirable and warranted as a result of consideration of his record of service. Each case will be decided on its merits by the Secretary of the Navy.

§ 14.6304 *Retirement for age-in-grade.* At the discretion of the Secretary of the Navy, officers of the Naval Reserve shall be transferred to the honorary retired list or discharged when they arrive at the years in age and grade as indicated in the following table, unless the retention of the officer in question is deemed essential, or there are other compelling reasons to the contrary.

Grade:	Age in grade
Commander.....	58
Lieutenant Commander.....	52
Lieutenant.....	46
Lieutenant (Jg.).....	40
Ensign.....	40

§ 14.6305 *Compulsory transfer of officers and enlisted personnel to honorary retired list.* Officers and enlisted men of the Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve shall be placed on the honorary retired list without pay or allowances except as provided in § 14.7401, for the following reasons:

(a) Upon reaching the age of 64 years.

(b) Upon their own request, after 20 years' service in the Naval Reserve. Service in the Army, Navy, Marine Corps, Coast Guard, Naval Auxiliary Service, Naval Reserve Force, Naval Militia, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, and Marine Corps Reserve shall be counted as service in the Naval Reserve under the provisions of §§ 14.6301 to 14.6308, inclusive.

§ 14.6306 *Advancement on retired list of Naval Reservists who have been specially commended.* Naval reservists who have been specially commended for their performance of duty in actual combat with the enemy by the head of the executive department under whose jurisdiction such duty was performed, shall, when placed on the honorary retired list, be advanced to the next higher grade.

§ 14.6307 *Members of the honorary retired list, pay of.* Except as provided in § 14.7401, members of the honorary retired list will not be entitled to any pay or allowances while in an inactive duty status.

§ 14.6308 *Transfers to honorary retired list, by whom effected.* (a) Transfers of officers to the honorary retired list will be effected by the Secretary of the Navy or by the Bureau of Naval Personnel with the prior approval of the Secretary of the Navy.

(b) Transfers of enlisted personnel to the honorary retired list will be effected by the Bureau of Naval Personnel.

SUBPART C—PAY, ALLOWANCES, AND COMPENSATION; ORGANIZED, RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE

Active Duty Pay and Allowances

§ 14.7101 *Active and training duty pay and allowances.* See Bureau of Sup-

plies and Accounts Manual, volume V, Disbursing.

§ 14.7102 *Transportation of Naval Reserve personnel and dependents.* See United States Navy Travel Instructions.

§ 14.7103 *Shipment of household effects.* See Bureau of Supplies and Accounts Manual, volume II, Supplies Ashore.

§ 14.7104 *Subsistence.* See Bureau of Supplies and Accounts Manual, volume IV Commissary, Ship's Store and Clothing and Small Stores.

Inactive Duty Pay and Allowances

§ 14.7201 *Drill pay.* (a) Officers and enlisted personnel of the Naval Reserve shall receive compensation at the rate of one-thirtieth of the monthly base pay for their grades, ranks, or ratings, not to exceed \$10, for attending under competent orders, each regular drill duly prescribed under the authority of the Secretary of the Navy, including drills performed on Sunday, for the organization to which attached, or for the performance of an equal amount of such other equivalent instruction or duty, as may be prescribed by the Secretary of the Navy.

(b) Officers and enlisted personnel of the Naval Reserve shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades, ranks, or ratings, not to exceed \$10, for the performance of each period of appropriate duty, as may be prescribed by the Secretary of the Navy.

(c) At the beginning of each fiscal year, subject to approval by the Secretary of the Navy, instructions will be issued by the Chief of Naval Personnel, to the Deputy Chief of Naval Operations (Air), as appropriate, designating locations at which organizations of the Naval Reserve will be maintained, the forms of organizations prescribed, the ones for which drill pay in a pay status is prescribed, and indicating numbers of personnel authorized to receive compensation for attending such drills.

§ 14.7202 *Compensation limited to 60 drills.* No officer or enlisted person shall receive pay for more than 60 drills or periods of other equivalent instruction or duty or appropriate duties in any one fiscal year.

§ 14.7203 *Flight pay; pilots.* For officers and enlisted personnel performing aerial flights in the capacity of pilots duly prescribed as a part of their training, other than flying performed while in the status of performing active or training duty with pay, the pay and pay limits prescribed in § 14.7201 shall be increased by 50 percent for any quarter during which not less than 4 hours of such flying has been performed.

§ 14.7204 *Compensation for performance of administrative duties.* (a) In addition to the pay to which they may otherwise become entitled, such officers of the Naval Reserve as may be designated by the Secretary of the Navy regularly assigned to and commanding organizations prescribed by the Secretary of the Navy, shall receive compensation at the rate of \$240 per year for the faithful performance of administra-

tive duties connected therewith. Such pay is not dependent on drills, nor may it be increased 50 percent for flying.

(b) At the beginning of each fiscal year, subject to approval by the Secretary of the Navy, the Chief of Naval Personnel will issue instructions designating the organizations the commanding officers of which will be entitled to compensation for the faithful performance of their duties as such.

§ 14.7205 *Not entitled to drill pay or compensation for performance of administrative duties while on active or training duty.* Pay under the provisions of §§ 14.7201 and 14.7204 shall not accrue to any officer or enlisted person during a period when he shall be lawfully entitled to pay for active duty or training duty.

§ 14.7206 *Compensation paid by district or naval activity disbursing officers.*

(a) The compensation and pay allowed by § 14.7201, will be paid by the district disbursing officer of disbursing officers attached to the naval air station in accordance with instructions issued by the Bureau of Supplies and Accounts.

(b) Checks for compensation will be delivered through the respective commanding officers of reserve organizations in the naval districts.

(c) Checks received by commanding officers of reserve organizations and not delivered to the payee named therein within 30 days from the date of receipt will be returned to the disbursing officer issuing them with a statement of the reason for nondelivery in each case.

Compensation For Injuries

§ 14.7301 *Compensation for injury, under United States Employees' Compensation Commission.* (a) If in time of peace any member of the Organized Reserve, the Volunteer Reserve, or the Merchant Marine Reserve is physically injured in the line of duty while performing active military or naval service, or dies as the result of such physical injury, he or his beneficiaries shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who dies as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so disabled. Where a person who is eligible for the benefits prescribed herein under the United States Employees' Compensation Commission is also eligible for pension under the provisions of § 14.7302, he shall elect which benefit he shall receive, and for the purposes of such benefits all members of the Naval Reserve shall be considered as performing active military or naval service while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties. For the purposes of determining the benefits to which entitled, naval reservists so physically injured while performing the foregoing duties in a non-

pay status will be held and considered as receiving the pay and allowances they would have received if in a pay status. In no case shall sickness or disease be regarded as an injury in connection with the provisions of §§ 14.7301 to 14.7306, inclusive.

(b) A naval reservist physically injured in the line of duty while performing active duty or training duty (with or without pay) will, during the continuance of such duty, be given the same medical care and treatment as is prescribed in chapter 21 of the Manual of the Medical Department for a member of the Regular Navy.

(c) A naval reservist, physically injured not due to his own misconduct and in the line of duty while performing active duty or training duty, requiring treatment or hospitalization beyond the period covered in his orders for active or training duty, is entitled, under the United States Employees' Compensation Commission, to such treatment and hospitalization upon the expiration of active or training duty in the following order of precedence:

(1) In the facilities of a naval hospital.

(2) In the facilities of a United States Marine Hospital or United States Public Health Service relief station.

(3) In the facilities of any other Government hospital or relief station.

(4) In the facilities of civilian institutions under the care of physicians designated by the Commission.

(5) In the facilities of civilian institutions or by nondesignated physicians in localities where there are no designated physicians.

(d) Reasonable charges for hospitalization and treatment to which the reservist is entitled by law after the expiration of his active duty or training duty are payable by the United States Employees' Compensation Commission only when the forms required by the Commission have been submitted and treatment rendered in accordance with the Compensation Act and the regulations of the Commission.

(e) The Compensation Act requires, where practicable, that Government medical facilities be utilized. A list of medical facilities available to beneficiaries of the Compensation Act, to which injured reservists must be sent as stipulated in the act, may be obtained on request to the Commission.

(f) In the event the list is not available and the injury occurs in the vicinity of a place where there is a United States Government activity employing civil personnel, the official in charge of that activity will be communicated with for the purpose of ascertaining if there is a United States hospital or designated physician to which the man may be sent for examination and treatment. If such facilities are available, the injured person must report for treatment without further delay. If no such facilities are available in the vicinity and the injury is such as to make medical or hospital treatment necessary, the injured person may be sent to the nearest competent physician or hospital which may be available. In case of hospitalization, ward service only is allowable, unless the condition of the injured person necessi-

tates the use of a private room. It will, however, be permissible for the injured person to select a private room, provided he will, himself, pay the difference between the private room rate and the rate fixed for general ward service. Reasonable charges for such medical or hospital services will be paid by the Commission in accordance with the regulations. If hospital treatment is not necessary but medical treatment for the injury is necessary, it may be secured in the same general manner.

(g) It is the duty of the reservist who incurs an injury, however slight, while on active duty, to give written notice (Form CA-1) to his official superior within 48 hours after the injury. In cases where the reservist's condition is such that he cannot give such notice, the report (Form CA-1) shall be rendered by the official superior of the injured reservist.

(h) It is the duty of the official superior (commanding officer) of a naval reservist who incurs an injury on active duty, however slight, to secure immediately a record of the cause, nature, and extent of the injury and the name of any witness. He shall see that the injured reservist submits the notice of injury (Form CA-1) as indicated above. When a reservist is injured while on active duty the official superior shall submit a report (Form CA-2) together with Form CA-1, as soon as practicable after the injury, to the United States Employees' Compensation Commission, Washington, D. C. If the injury results in death, Form CA-3 also is required. The reports should not be delayed more than 3 days, if not at sea. Complete instructions on forms and procedure are contained in Commission's rules and regulation, which shall be obtained from the Employees' Compensation Commission.

(i) The commanding officer or other person in authority having immediate knowledge thereof, shall immediately make a written report in duplicate to the Commandant of the naval district in which the injured reservist resides, setting forth the circumstances under which injured, the nature and extent of the injury, so far as known, and what action, if any, has been taken to provide treatment, as well as any other information that may be of value in establishing the injured person's right or the right of his beneficiaries to compensation or hospital or medical service. The Commandant of the injured reservist's naval district should promptly transmit a copy of the report to the United States Employees' Compensation Commission.

(j) Under the terms of the Compensation Act, all original claims for compensation for disability shall be made within 60 days after the injury. For any reasonable cause shown, the Commission may allow original claims for compensation for disability to be made at any time within 1 year. In order to facilitate payment, claim for compensation on Form CA-4 should be submitted 18 days after the pay stops, if the injury seems likely to result in prolonged disability. If the disability lasts less than 18 days, Form CA-4 should be submitted upon termination of such disability. All original claims for

compensation for death must be made within 1 year after the death.

§ 14.7302 *Pensions for disability, under Veterans' Administration.* (a) For disability resulting from personal injury or disease contracted in line of duty or for aggravation of a pre-existing injury or disease contracted or suffered in line of duty when such disability was incurred in or aggravated by active military or naval service other than a period of war service as provided in part I of the Veterans Regulations, the United States shall pay to any person thus disabled and who was honorably discharged from such period of service in which said injury or disease was incurred, or pre-existing injury or disease aggravated, a pension, but no pension shall be paid if the disability is the result of the person's own misconduct: *Provided*, That active service, including service for training purposes, performed by a Reserve officer or member of the Enlisted Reserves of the United States Army, Navy, or Marine Corps, shall be considered as active military or naval service for the purpose of granting benefits under part II of the Veterans Regulations, and it shall not be required that such Reserve officer or enlisted person shall have been discharged from the service. Pension under this paragraph shall not be paid concurrently with active duty pay or employees' compensation. Where a person who is eligible for pension hereunder is also eligible for the benefits of the Employees' Compensation Act, he shall elect which benefits he shall receive.

(b) Members of the Naval Reserve are considered to be in active naval service for the purpose of receiving the foregoing benefits while performing active duty or training duty with or without pay, under orders issued in accordance with the provisions of §§ 14.7101 to 14.7104, inclusive.

(c) Claims for pensions must be filed by the claimant on the prescribed Veterans' Administration form.

§ 14.7303 *Medical treatment and hospitalization for sickness and disease.* Any member of the Organized Reserve, Volunteer Reserve, or Merchant Marine Reserve who becomes ill or contracts a disease in line of duty during the performance of active duty or training duty with or without pay shall be entitled, at Government expense, to such medical, hospital, or other treatment as necessary for the appropriate treatment of such illness or disease until the disability resulting from such illness or disease cannot be materially improved by further hospitalization or treatment, and to the necessary transportation and subsistence incident to such medical and hospital treatment and return to their homes when discharged therefrom. Treatment or hospitalization for such illness or disease shall not be continued for more than 10 weeks following discharge from active or training duty except on the approved recommendation of a board of medical survey, consisting of one or more medical officers of the Navy or on authorization of the Surgeon General of the Navy based on the certificate of a reputable physician that the illness or disease is a continuation of the illness or disease which was sustained or con-

tracted during the period of active or training duty and that further benefit will result from continued treatment.

§ 14.7304 *Compensation for injuries and medical treatment prior to termination of World War II.* Any member of the Naval Reserve who, while performing active duty with or without pay for periods of 30 days or less, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or prescribed duty, or while performing authorized travel to and from such duties on or after 1 December 1945 and prior to the official termination of World War II, is physically injured in the line of duty while performing any of these duties, or dies as the result of such physical injury, shall be entitled to the benefits provided under §§ 14.7301 to 14.7303, inclusive, for members of the Naval Reserve.

§ 14.7305 *Naval Reservists in receipt of pensions, disability allowances, etc., not permitted to participate in Naval Reserve activities in pay status.* (a) No officer or enlisted person of the Naval Reserve who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States (and "retired pay" as here used shall not include pay of members of the Fleet Reserve, Fleet Marine Corps Reserve, or members of the honorary retired list) or who has a claim pending therefor, shall be placed on or continued on active or training duty with pay or allowances, or permitted to perform drills, equivalent instruction or duty, appropriate duties, or administration functions with pay except that he may be, in time of war or national emergency, ordered to active duty, provided, that upon entering active service he shall notify the Veterans' Administration in the manner prescribed in § 14.7306. This prohibition shall apply from the date of submission of a claim for pension or other disability allowance until payment thereunder ceases or the claim is disallowed.

(b) The immediate commanding officer of the reservist concerned shall be promptly informed regarding the submission of any such claim and he in turn shall inform the district Commandant, or the Chief of Naval Air Reserve Training, as appropriate, the disbursing officer carrying the reservists' drill pay accounts, the Field Branch of the Bureau of Supplies and Accounts, and the Chief of Naval Personnel.

§ 14.7306 *Certificate for disability allowance or waiver thereof.* (a) Except as provided in paragraph (c) of this section no member of the Naval Reserve shall be certified for payment of any compensation or allowance for active or training duty, drills, equivalent instruction or duty, appropriate duties, administrative functions, or uniform allowances unless and until he has submitted to the Commandant of his naval district or his commanding officer an affidavit in the following form:

I, _____, United States
(Rank or rating)
Naval Reserve, being first duly sworn, upon oath depose and say that I am not drawing, nor have I a claim pending for, a pension,

disability allowance, disability compensation, or retired pay¹ from the Government of the United States.

Subscribed and sworn to before me this _____ day of _____, 19____

(Signature and official title)

The above affidavit may be sworn to before any notary public, any naval officer authorized to administer oaths for purposes of naval administration, or commanding officers of organized units of the Naval Reserve, such commanding officers being hereby authorized to administer oaths for this purpose.

(b) Except as provided in paragraph (c) of this section a certificate shall be typed or stamped on orders or authorizations for active or training duty involving pay, allowances, or traveling or other expenses to members of the Naval Reserve, to read as follows:

The above-named individual has executed the required affidavit stating that he is not drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States and that he does not have a claim pending therefor.

(c) No member of the Naval Reserve who has been awarded a pension, disability compensation, or retired pay from the Government of the United States shall execute any portion of his orders to active duty which would entitle him to pay or allowances until he has executed a notice to the Veterans' Administration of re-entrance into active service in the following form:

NOTICE OF RE-ENTRANCE INTO ACTIVE SERVICE
OF PERSON RECEIVING PENSION OR RETIREMENT PAY

Date _____
C-No. _____
Veterans' Administration,

1. This is to certify that I, _____ have this date re-entered active military service; and that I agree to repay in cash (or by deduction from pay, which is hereby authorized) any pension, compensation, or retirement pay received by me from the Veterans' Administration for any period subsequent to date of re-entrance into active service and to which I am not entitled by reason of receipt of active service pay.

Signature _____
Address _____

First endorsement _____

(Date)

From: The Disbursing Officer.
To: The Veterans' Administration.

1. The above named officer (or enlisted person) has been taken up for active duty pay commencing _____

The above certificate shall be in triplicate and delivered to the disbursing officer who first takes up on the pay account of the individual concerned. The disbursing officer shall execute the endorsement, forward the original to the Veterans' Administration and a copy to the Bureau of Naval Personnel. The disbursing officer will file a copy of the certificate with his returns.

¹Retired pay does not include pay of members of the Fleet Reserve or members of the honorary retired list.

Pay for Members of Honorary Retired List

§ 14.7401 *Retired pay, honorary retired list.* (a) Officers and men of the honorary retired list who have performed a total of not less than 30 years' active service in the Army, Navy, Marine Corps, Coast Guard, Naval Auxiliary Service, Naval Reserve Force, Naval Militia in Federal status, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, and Marine Corps Reserve, or who have had not less than 20 years' such active service, the last 10 years of which shall have been performed during the 11 years immediately preceding their transfer to the honorary retired list shall, except while on active duty, be entitled to pay at the rate of 50 per centum of their active duty rate of pay.

(b) Members of the honorary retired list who are entitled to remuneration in accordance with the foregoing will be so certified by the Bureau of Naval Personnel to the Field Branch Bureau of Supplies and Accounts, Cleveland, Ohio. Individual claims for such remuneration are not necessary.

Pensions, Compensation, Retirement Pay, and Hospital Benefits

§ 14.7501 *Pensions, compensation, retirement pay, and hospital benefits.* (a) All officers, nurses, warrant officers, and enlisted members of the Naval Reserve (including members of the honorary retired list of the Naval Reserve) who, if called into active naval or military service for extended periods in excess of 30 days, suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active naval service during such period, and they or their beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers, warrant officers, nurses, and enlisted members of corresponding grades and length of service of the Regular Navy. Members of the Naval Reserve who suffer disability or death in line of duty while performing active duty under orders of competent authority, which by their terms do not limit the period of duty thereunder to less than 31 days or which are indefinite as to duration, come within the provisions of this section regardless of the date of the disability or death.

(b) If a person who is eligible for the benefits prescribed in this section be also eligible for pension under the provisions of § 14.7302, compensation from the United States Employees' Compensation Commission under § 14.7301, or retired pay as a member of the honorary retired list as provided in § 14.7401, he shall elect which benefit he shall receive.

(c) The benefits referred to in this section include payment of the gratuity as referred to in article 1841, Navy Regulations.

(d) Members of the Naval Reserve should designate beneficiaries in accordance with article C-1001, Bureau of Naval Personnel Manual.

SUBPART H—MAINTENANCE; ORGANIZED RESERVE, VOLUNTEER RESERVE AND MERCHANT MARINE RESERVE

Policy

§ 14.8101 *Policy relative to furnishing equipment.* It is the policy to provide organizations of the Naval Reserve with the equipment, literature, and other necessary facilities required in connection with their instruction and training, including armories and floating equipment for units of the surface component of the Organized Reserve, air stations and flight equipment for units of the aviation component of the Organized Reserve, and suitable quarters and equipment for the organizations of the Volunteer Reserve.

Armories

§ 14.8201 *Procurement of armories.* (a) The Commandants of naval districts and river commands will arrange for the procurement of suitable armories at locations where units of the Organized Reserve have been authorized. Where rental is involved, current instructions relative to leases of real estate will be followed.

(b) So far as practicable all Naval Reserve activities at localities where armories have been provided will be centered therein, including electronic warfare units.

§ 14.8202 *Armory expenses.* All armory expenses, including rent, heat, light, water, telephone, janitor service, and wharfage for Naval Reserve floating equipment, will be met from annual allotments made to the Commandants of the naval districts and river commands for this purpose.

§ 14.8203 *Joint occupancy of armories.* In those cases where an armory is occupied jointly by a battalion or division with another organization of the Naval Reserve, the battalion or division commander will be in direct charge of the armory and will act as senior officer present insofar as the use of space and armory equipment is concerned, but such officer will not be directly concerned with the procurement and training of such other organization quartered in the armory.

§ 14.8204 *Fire prevention.* Smoking regulations will be posted in each building occupied by Naval Reserve activities. The regulations will be drawn by the senior administrative officer of the Naval Reserve units using, or the military custodian of, the building. The degree to which smoking is permitted will depend in each case on the local fire hazard. In any event, smoking will not be permitted during classes nor in places not under surveillance. Trash containers in locations other than offices should have metal covers. All trash containers should be emptied at the end of each drill.

Naval Air Stations Concerned With Naval Reserve Training

§ 14.8301 *Procurement of naval air stations for use by Naval Reserve.* (a) The Deputy Chief of Naval Operations (Air) will designate and make arrange-

ments for the use of, or assignment to, naval air stations to be used by the aviation components of the Naval Reserve.

(b) Arrangements for the continuance of occupation from year to year of existing stations will be made by the Deputy Chief of Naval Operations (Air)

(c) Where rental is involved, current instructions relative to leases of real estate will be followed.

§ 14.8302 *Procurement of aviation equipment.* The aircraft and other equipment required for Naval Reserve aviation training will be furnished by the Bureau of Aeronautics.

Vessels and Boats for Training Purposes

§ 14.8401 *Assignment of floating equipment.* Subject to their availability and the approval of the Chief of Naval Operations, vessels and other floating equipment will be assigned to the naval districts and river commands for the use of the Naval Reserve. Such vessels and equipment shall not be diverted to other uses without the authority of the Chief of Naval Operations.

§ 14.8402 *Maintenance, operation, and repairs; floating equipment.* Subject to the approval of the material bureaus having cognizance, the Bureau of Naval Personnel will make annual allotments to the various naval districts for the maintenance, operation, and repairs of vessels and boats assigned as direct craft for the use of the Naval Reserve, and depending upon the availability of funds, special allotments for emergencies or major projects of overhaul. These allotments will be administered by the Commandants of the naval districts and river commands to which made, and monthly reports of expenditures thereunder submitted to the Bureau of Naval Personnel. Technical features of repairs and alterations, and authorizations of alterations are under the cognizance of the same material bureaus as for vessels of the Regular Navy.

Medical Supplies

§ 14.8501 *Allotments to the Bureau of Medicine and Surgery.* The Bureau of Naval Personnel or the Deputy Chief of Naval Operations (Air) will reimburse the Bureau of Medicine and Surgery, by transfer of funds, for medical outfits, medicine, hospital supplies, etc., issued to Naval Reserve activities.

Government Property

§ 14.8601 *Records of invoices and issues.* (a) The district accounting officer, fiscal or other officer as may be designated by the Commandant, shall be the accounting officer for all material and equipment issued for the purpose of training and instructing the Naval Reserve, except aviation activities, in the district. All such material and equipment will be invoiced to the Commandant of the district or river command. The supply officers of the naval air stations to which Naval Reserve aviation units are attached, shall be the accounting officers for all material and equipment issued for the purpose of training and instructing aviation units attached thereto.

(b) A record shall be maintained by all Commandants of all medical supplies of value and all medical equipment, by item and value, issued to Naval Reserve units.

(c) A report, shall be made to the Bureau of Medicine and Surgery at the end of each fiscal year; indicating the average complement, the total value of medical supplies issued during the year, and a list of medical equipment on hand for each Naval Reserve unit on June 30.

(d) Requisitions for and property surveys of medical stores and equipment from Naval Reserve units, containing the recommendation and consent of the Commandant or commanding officer of the naval air station concerned, shall be forwarded to the Bureau of Medicine and Surgery for approval.

(e) Recommendation as to modification in the items of medical equipment and quantities and kind of medical supplies furnished the various types of Naval Reserve units, shall be made to the Bureau of Medicine and Surgery by the Commandant or commanding officer of the naval air station concerned as indicated.

§ 14.8602 *Accountability and responsibility for Government property.* (a) In order that Government property issued to Naval Reserve organizations may be properly safeguarded and accounted for, a custodian for such property should be designated for each armory or drill hall where such property is kept, and the custodian shall give custody receipts to the accounting officer, fiscal, or other officer responsible for such equipment.

(b) The commanding officer of each organization will be the custodian of its property.

(c) The commanding officer shall designate the supply officer to keep account of the Government property in his custody. If no supply officer is attached to the organization, the commanding officer will designate an officer to act as material officer.

(d) The supply officer, or, if none is attached, the material officer, under the orders of the commanding officer, shall render required property returns through the Commandant or the Chief of Naval Air Reserve Training, as appropriate, and as may be prescribed, and in addition shall render an annual inventory covering all Government property in his custody. One copy of the inventory of navigational equipment shall be rendered to the Bureau of Ships on Form NAVSHIPS 1108.

(e) Loans of pistols, rifles, or other armory equipment shall not be made to members of the Naval Reserve, on custody receipt or otherwise. All items of arms and armory or station equipment shall be kept in the armory or on the station at all times, except when issued to the organization (or to separate details thereof) for the use for which intended.

(f) The foregoing paragraph shall not be interpreted as applying to books, pamphlets, and other instructional literature and equipment necessary for home study assignments. Reservists should be encouraged to draw these on custody receipt for home study and reading. Indefinite retention of books or equipment

so drawn is not authorized, and their return shall be required within a reasonable length of time.

(g) Reservists will be held responsible for the loss of Government equipment in their possession.

(h) All medical supplies and equipment shall be placed under the control of the medical officer who shall be accountable to the commanding officer for their proper preservation and use.

(i) Requisitions and receipt priced invoices for medical supplies and equipment, and property survey reports shall be forwarded to the Bureau of Medicine and Surgery via the Commandant or the Chief of Naval Air Reserve Training, as appropriate.

(j) Items of lost or damaged equipment shall be surveyed and reports there-of made on the prescribed forms.

§ 14.8603 Procurement of material and equipment. Required articles of equipment necessary for the instruction and training of the organization are procurable, subject to the availability of funds or the availability of the required articles without exchange of funds between appropriations, from the Commandants or the Chief of Naval Air Reserve Training, or from other bureaus through the appropriate chain of command. Requests for such items should be initiated by the commanding officer of the organization requiring them.

§ 14.8604 Allowance list for Naval Reserve activities. (a) Allowance lists for Naval Reserve activities will be promulgated, from time to time, by the Chief of Naval Personnel, or the Deputy Chief of Naval Operations (Air) as appropriate.

(b) The instructions, set forth in this paragraph, apply to procurement by all organizations of the Naval Reserve, other than aviation units. Commanding officers of organizations will initiate the necessary action toward procurement of items required to fill allowance, where conditions are such that use can be made thereof. This action should be in the form of a letter to the district Commandant indicating the item desired, number on hand and number allowed. In the event the items desired are not chargeable against the Naval Reserve appropriation, the letter should be forwarded with the Commandant's recommendation to the Bureau of Naval Personnel. Items chargeable against the Naval Reserve appropriation should be covered on stub requisition, where thus procurable, or open purchase requisition, chargeable against the district's allotment of funds, under the subhead concerned. Requests for ammunition should indicate the make and type of arm in which it is to be fired.

(c) Material and equipment for training aviation units of the Naval Reserve will normally be supplied by the naval air stations to which such units are attached.

§ 14.8605 Navy training courses allowed for use by Naval Reserve enlisted personnel. (a) From time to time the Bureau of Naval Personnel will prescribe allowances of Navy training courses for use in instructing the Naval Reserve, including aviation activities. These allowances will prescribe the number of each

course apportioned each naval district and river command as a whole. Distribution within any district and river command will be a function of the Commandant.

(b) On March 31 each year an inventory shall be taken in each naval district and river command of the number of usable copies of each course on hand, including those in use. As soon thereafter as practicable each Commandant shall submit a report to the Bureau of Naval Personnel showing, for each course, the district allowance, number on hand, and number required to fill allowance.

(c) The Bureau of Naval Personnel will take the necessary action to fill allowances as courses for this purpose are available. Requests from the naval districts to the Bureau of Naval Personnel for courses will not be necessary. Requests from organizations for courses should be addressed to the district Commandant. If he cannot fill them the commandant will forward the requests to the Bureau of Naval Personnel with an endorsement recommending action to be taken.

§ 14.8606 Equipment loaned to States for use of Naval Militia. Such vessels, material, armament, equipment, and other facilities of the Navy as are or may be made available for the Naval Reserve shall be available in accordance with regulations prescribed by the Secretary of the Navy for issue or loan to the several States, Territories, or the District of Columbia, for use of the Naval Militia, but no such facilities of the Navy shall be furnished for use by any portion or unit of the Naval Militia unless at least 95 per centum of its personnel belongs to the Naval Reserve and is attached to or associated with an organization of the Organized Reserve and unless its organization, administration, and training conform to the standards prescribed by the Secretary of the Navy for such units.

Uniforms

§ 14.8701 Uniforms prescribed. Officers and enlisted personnel of the Naval Reserve shall wear the uniforms prescribed for corresponding ranks or ratings in the Regular Navy. Uniforms for members of the Women's Reserve shall be promulgated in separate instructions.

§ 14.8702 Uniforms required, officers. (a) Except as noted in paragraph (b) of this section, and in § 14.8703 (c) and (d) commissioned and warrant officers of the Naval Reserve are required to possess the following: Service dress blue, service dress white, overcoat or raincoat, working uniform, leggings. All other items of uniform prescribed for officers of the United States Navy are optional for officers of the Naval Reserve but such uniforms must be of regulation pattern.

(b) Chaplains shall not wear the cocked hat, epaulets, sword belts, nor full dress trousers. They may wear the investments of the church to which they belong on occasions requiring it.

(c) Aviation cadets shall wear the uniform prescribed for them by the Bureau of Naval Personnel.

§ 14.8703 When uniforms are to be worn. (a) Except as noted in para-

graphs (b), (c) and (d) of this section, members of the Naval Reserve on inactive duty shall wear uniforms of their ranks or ratings when at drills and when performing authorized training duty with or without pay and when performing necessary travel in connection therewith. They may wear such uniforms at ceremonies and memorial services. They shall not wear them at unauthorized times. Officers of the Naval Reserve (inactive) may wear the uniform of their rank or grade when engaged in the instruction of a cadet corps or similar organization at approved naval or military academies or other approved institutions of learning.

(b) Civilian clothes may be worn when in an active duty status in conformity with the customs of the regular service.

(c) Officers of the Merchant Marine Reserve employed on vessels requiring its officers to wear uniforms, may be permitted to wear such uniforms while performing active or training duty. Merchant Marine Reserve officers so equipped are not required to possess the Naval Reserve uniforms listed in § 14.8702 (a) except when ordered to active duty in time of war or national emergency.

(d) Officers of class SI shall not be required to provide themselves with uniforms unless upon reporting for active or training duty their commanding officer orders them to do so. Such orders shall be in letter form, addressed to each individual concerned, three copies of which shall accompany each voucher for reimbursement, submitted under the provisions of § 14.8704 (b) (3).

(e) An officer of the Naval or Marine Corps Reserve, shall, when not in the active naval service of the United States, be entitled to bear the official title and, upon appropriate occasions, to wear the uniform of the highest rank or grade satisfactorily held by him, as determined by the Secretary of the Navy, while on active duty in time of war.

§ 14.8704 Uniform gratuities. Naval Reserve officers.—(a) In time of peace.

(1) In time of peace, upon first reporting for active or training duty with pay, at a location where uniforms are required to be worn, or after the authorized performance of 14 drills, an officer of the Naval Reserve shall be paid a sum not to exceed \$100 as reimbursement for the purchase of the required uniforms, and thereafter he shall be paid an additional sum of \$50 for the same purpose upon the completion of each period of not less than 4 years in the Naval Reserve. This latter amount of \$50 shall not become due any officer until he has completed at least 150 drills or periods of other equivalent instruction or duty or appropriate duties, and 56 days' active or training duty, or 75 drills and 84 days' active or training duty, or 112 days' active or training duty. No officer shall be entitled to either of the above-mentioned sums until the expiration of 4 years from the date of the receipt of the last previous gratuity.

(2) Active duty performed under his commission as an officer of classes A1 or A2 in time of peace, may be counted in computing the required 112 days' active or training duty entitle such officer

to the additional payment of \$50 4 years after receipt of the \$150 uniform gratuity as an officer of classes A1 or A2.

(3) The word "drills" as used herein is to be interpreted as the regular drills of the various units authorized and performed in accordance with § 14.5302.

(4) Reimbursement in the above amounts for uniforms purchased and in the possession of the officer will be made by the Bureau of Supplies and Accounts (Special Payments Division) Field Branch, Cleveland, Ohio, upon certification by the Reserve officer and the Bureau of Naval Personnel that the prescribed conditions have been met. Form S&A 445 will be used for \$50 payments and S&A Form 445A for \$100 payments. In the cases of officers of the Volunteer Reserve and the Merchant Marine Reserve, three certified copies of the orders to active or training duty entitling them to the uniform gratuity, with all endorsement, shall accompany this form.

(b) *In time of war or national emergency.* (1) Except as provided in § 14.8703 (d) upon first reporting for active duty with pay in time of war or national emergency at a location where uniforms are required to be worn (regularly or occasionally) officers of the Naval Reserve who have in their possession the required uniforms, and who have not therefore received any uniform gratuity, are entitled to the peacetime allowance of \$100, and in addition, the further sum of \$250 for the purchase of the required uniforms without regard to whether uniforms are required to be worn at the place of reporting for duty or whether they have the required uniforms in their possession.

(2) Naval Reserve officers who are on the honorary retired list of the Naval Reserve in a nonpay status shall, upon reporting for active duty (other than for physical examination) in time of war or national emergency, be paid the sum of \$250 as a uniform allowance for the purchase of required uniforms. There shall be deducted from this allowance the value of any uniform allowance previously paid such officer within the four year period immediately preceding his recall to active duty.

(3) Claims for the \$100 gratuity will be submitted direct to the Bureau of Naval Personnel for certification and subsequent forwarding to the Field Branch (Special Payments Division) Bureau of Supplies and Accounts, Cleveland, Ohio, using Form S&A 445A, which must be accompanied by two certified copies of the officer's first orders to active duty, bearing the endorsement required by subparagraph (4) of this paragraph. Certified copies of the oath of office are not required for this purpose.

(4) All officers (except those on the honorary retired list of the Naval Reserve) may be paid an additional \$50 uniform gratuity for the purchase of required uniforms upon the completion of each period of not less than 4 years in the Naval Reserve subsequent to date of last entitlement to uniform gratuity, provided they have, during that period, fulfilled the requirements of paragraph (a) (1) of this section. Claims for payment of additional \$50 uniform gratuity will be submitted direct to the Bureau of

Naval Personnel for certification and subsequent forwarding to the Field Branch (Special Payments Division) Bureau of Supplies and Accounts, Cleveland, Ohio, in letter form in triplicate stating full name, rank, file number, and address to which check should be mailed. This claim shall include officers' personal certification "I hereby submit claim for payment of fifty-dollar uniform gratuity having last been entitled to a uniform gratuity of (insert either one hundred dollars or fifty dollars as applicable) on (date) and having performed active duty continuously since that date except as follows: (State periods of active duty separately as occurring if not continuous or insert 'none.')" Copies of orders are not required. The "date of entitlement," which appears in the officers' personal certification as part of the claim for the \$50 uniform gratuity, is defined as follows:

(i) Officers who never performed any active duty training duty with pay or attended drills as a member of the Organized Reserve since their appointment, were entitled to a \$100 gratuity upon reporting for active duty at a place where uniforms are required to be worn. This date thus established the "date of entitlement" and subsequent payments of \$50 are due upon completion of each period of not less than 4 years, provided they have performed at least 112 days of active duty.

(ii) Officers who were appointed in the Fleet Naval Reserve prior to 1 July 1938 were, under the 1925 Act, entitled to a uniform gratuity of \$100 upon appointment and \$50 each 4 years thereafter. Upon transfer to the Organized Reserve on 1 July 1938 due to the passage of the Naval Reserve Act of 1938, they continued to be entitled to the \$50 gratuity but only if they perform the required drills and training duty or active duty as set forth in paragraph (a) (1) of this section. This became due not less than 4 years from date of receipt of last payment under the 1925 Act. This date thus established the "date of entitlement" under the current law and subsequent payments of \$50 are due upon completion of each period of not less than 4 years, provided they have performed at least 112 days of active duty.

(iii) Officers who were appointed in the Volunteer Naval Reserve prior to 1 July 1938, were not, under the 1925 Act, entitled to any uniform gratuity. Upon transfer to the Volunteer Reserve on 1 July 1938 due to the passage of the Naval Reserve Act of 1938, they become entitled to a \$100 gratuity upon reporting for training duty with pay or active duty at a place where uniforms were required to be worn. This date thus established the "date of entitlement" under the current law and subsequent payments of \$50 are due upon completion of each period of not less than 4 years, provided they have performed at least 112 days of active duty.

(iv) It is to be noted that in subdivision (ii) of this subparagraph, due to the wording of the 1938 Act, that where either a \$100 or \$50 gratuity was received under the 1925 Act, a new "date of entitlement" is established as of the date of receipt of the previous payment under

the 1925 Act, rather than 4 years from date of original entitlement. All subsequent payments are 4 years from date of entitlement thus established rather than 4 years from date of receipt.

(v) Particular attention is called to the fact that payment of the \$150 gratuity (which is a special wartime gratuity) has no bearing on payments of the \$50 gratuity and should not be referred to in making claim for the \$50 gratuity. An exception of this is the \$150 gratuity paid to A1 or A2 officers upon being commissioned, which is in lieu of the \$100 gratuity paid to Naval Reserve officers of other classes.

§ 14.8705 *Issues of uniforms to enlisted members of the Naval Reserve.* (a) The issues of clothing to enlisted members of the Naval Reserve or the granting of cash allowance in lieu of clothing issues will be governed by the provisions of the Executive orders issued by the President for the fiscal year concerned. The Chief of Naval Personnel will promulgate separate instructions from time to time relative thereto.

§ 14.8706 *Personnel required to replace lost or damaged articles of uniform.* Members of the Naval Reserve receiving a gratuitous issue of uniforms are required to replace at their own expense, any lost or damaged article thereof, except, that they shall be relieved of responsibility when, under similar conditions personnel of the Regular Navy would be entitled to reimbursement for such loss or damage. For this purpose, cash requisitions should be submitted in the manner prescribed in the Bureau of Supplies and Accounts Manual.

§ 14.8707 *Stowage of uniforms in armories.* In order to maintain proper supervision of uniforms and to give instruction in the marking, care, and stowage of them, as well as to insure that they shall not be worn at unauthorized times, enlisted members of the Naval Reserve may be required to keep their uniforms at activity headquarters, if suitable locker facilities are available.

§ 14.8708 *Issue of bedding, clothes bags, and buckets.* (a) Buckets, hammocks (when required) complete with clews and lashings, and mattresses will be issued to enlisted reservists when they report on board vessels or stations for training duty. These articles shall be returned by the individual reservists prior to their departure from training duty.

(b) Clothes bags, pillows, mattress covers, pillow covers, and blankets, when required in connection with the training of enlisted members of the Naval Reserve, are obtainable on requisition as a charge against the naval district's or air activity's allotment of funds under the Naval Reserve appropriation. They will be issued, cleaned, and accounted for in accordance with the provisions of the Bureau of Ships Manual. These items, except clothes bags, when issued to organizations of the Naval Reserve, will be marked as follows: "U. S. Naval Reserve" this will be in stencil black letters, in the center and lengthwise of the blanket, mattress cover, etc., 2-inch letters will be used for blankets and mat-

tress covers, and 1-inch letters for the other items.

SUBPART I—FLEET RESERVE

Purpose

§14.9101 *Purpose.* The purpose of the Fleet Reserve is to provide an available reserve of ex-officers and ex-enlisted personnel of the Regular Navy who may be utilized without further training to fill those billets requiring experienced personnel in the initial stages of mobilization.

Composition of Fleet Reserve

§14.9201 *Officers.* The officer personnel of the Fleet Reserve shall be composed of ex-officers of the Regular Navy who have been appointed in accordance with § 14.9401, and designated as follows:

AEDO	Aviation Engineering Duty Only.
AVH	Designated Naval Aviator, Heavier than Air.
AVL	Designated Naval Aviator, Lighter than Air.
CC	Construction Corps.
CEC	Civil Engineering Corps.
ChC	Chaplain Corps.
DC	Dental Corps.
EDO	Engineering Duty Only.
HC	Hospital Corps.
LINE	Line Officer.
MC	Medical Corps.
NC	Nurse Corps.
SC	Supply Corps.

§14.9202 *Enlisted personnel.* Enlisted personnel of the Fleet Reserve shall be composed of the following classifications and designations:

F2. Those who are transferred direct from the Navy thereto after 4 or more years' naval service, and those who, after an equal amount of such naval service, have been honorably discharged and are enlisted in the Naval Reserve and assigned to this class.

F4c. Those personnel who served in the Regular Navy prior to July 1, 1925, who were either in the Navy or Naval Reserve Force on that date and thereafter transfer to the Naval Reserve after 16 years' naval service, as described in § 14.9405.

F4d. Those personnel who served in the Regular Navy prior to July 1, 1925, who were either in the Navy or Naval Reserve Force on that date and thereafter transfer to the Naval Reserve after 20 years' naval service as described in § 14.9405.

F5. Those personnel who first enlisted in the Navy after July 1, 1925, or who reenlist with broken service after that date, who do not meet the eligibility requirements specified in § 14.9405, and transfer to the Naval Reserve after 20 years' naval service.

Administration

§ 14.9301 *Maintenance of records for classes F2, F4, and F5, and physical examinations of Fleet Reservists.* (a) Commandants will maintain records showing the physical and professional qualifications of enlisted personnel of classes F2, F4, and F5, and retired enlisted personnel attached to their districts.

(b) Enlisted personnel will be classified professionally in accordance with the type or types of vessels on which they are best qualified to serve.

(c) Enlisted personnel transferred to the Fleet Reserve after 16 years or more service in the Regular Navy shall be examined physically at least once dur-

ing each 4-year period. The Bureau of Naval Personnel desires to complete these examinations without cost to the Government, with the minimum inconvenience to the person concerned and insofar as is practicable, employing the following plan:

(1) Fleet Reservists will be authorized by Commandants to undergo physical examination at any time during the fourth fiscal year following the fiscal year of transfer to the Fleet Reserve and during each fourth year thereafter. No certain time within these fourth years will be specified.

(2) When physical examinations are due, the men should be ordered by the Commandant of the naval district in which they reside to report for such examination to the nearest Regular Navy activity where the services of a medical officer are available, to the nearest naval air station, or to the nearest Naval Reserve armory. When ordered to an armory the enlisted personnel should report only on drill nights. Unless Naval Reserve medical officers volunteer for this service, it is not desired that members of the Fleet Reserve be ordered to report to such officers at their private offices for physical examination.

(3) To avoid inconvenience in cases where the Reservist's civil pursuits require that he be out of the district where his records are kept, permission may be granted to use the facilities of any other district for this examination.

(4) Report of physical examination will be made in duplicate on NAVMED Form Y, which may be obtained from the Naval Medical Supply Depot, Brooklyn, N. Y.

(d) In the case of the failure of a Fleet Reservist of class F4 or F5 to present himself for physical examination during the time mentioned above, or until such time during the fourth year as the Commandant may decide upon with a view to completing the examination within the 4-year period, specific orders involving transportation and active duty pay will be issued by the Commandant concerned.

(e) Enlisted personnel who are or have been transferred to the Fleet Reserve after 16 years or more of service in the Regular Navy and who are found unfit for any duty in accordance with § 14.9604 (a), shall be transferred to the retired list of the Regular Navy.

(f) The cooperation of the service is enjoined to accomplish the majority of the necessary physical examinations without the necessity of issuing orders except in extreme cases. When orders are necessary it is desired that enlisted personnel be kept on active duty for this purpose as short a time as possible. If practicable no person should be retained more than 1 day at the naval activity where the physical examination is held nor shall any person be ordered to report, without prior reference to the Bureau of Naval Personnel, whose probable period of active duty, including travel time, will exceed 3 days.

(g) Members of the Fleet Reserve reporting for physical examination in accordance with orders will be paid active-duty pay by the Bureau of Supplies and Accounts direct for such time as they are actually at a naval activity for this pur-

pose and for the necessary time to perform the travel to and from their homes. They should also be furnished transportation in kind with the necessary cash allowances for travel involved.

(h) In order that the accounts of those personnel who report for physical examination may be so adjusted as to allow active-duty pay in lieu of retainer pay for the period of active duty, it will be necessary that the Bureau of Supplies and Accounts be furnished some authentic voucher in duplicate. To the end that the procedure may be uniform in all the districts, the order issued to reservists will contain paragraphs reading:

You will enter on the back of this order the place from which you started to travel and the date and hour of departure and the place, date, and hour of your arrival home. You will sign your name after these entries.

The officer to whom you report for this physical examination will endorse on the back of this order and over his signature the place, date, and hour of reporting and the date and hour of release.

Upon your arrival home you will forward this order to the Commandant of the

(Naval district) (Address)
who will cause two copies of it to be prepared, certified, and forwarded to the Field Branch, Bureau of Supplies and Accounts (Special Payments Division) Cleveland, Ohio, which activity will make the necessary adjustment in your pay accounts.

(1) A minimum of clerical effort will be required and chance of error reduced if forms are printed on the back of the order and the carbon copies (prepared when the original orders are issued) as follows:

I started travel in compliance with the within order from _____
(Place)

on _____, _____
(Date) (Hour)

On the return trip I arrived at _____
(Place)

on _____, _____
(Date) (Hour)

There was no avoidable delay en route in performing the travel.

(Sign your full name)

The person named in the within order reported in compliance therewith at _____

(Place of physical examination) on _____

(Date) (Hour)

(Signature and rank of officer to whom reported)

The man named in the within order completed the duty prescribed and was directed to return to the place from which he was called to duty, at _____

(Place of physical examination)

on _____, _____
(Date) (Hour)

(Signature and rank of officer)

On carbons but not on the original: "The reverse side of this sheet and the foregoing endorsements are true copies of the original."

(Signature and rank of officer)

(j) Failure of any member to report for physical examination as required by paragraph (c) of this section, in obedience to lawful order, will result in forfeiture of any pay which may be due. Pay so forfeited shall be the pay due and

unpaid him on the date notice of forfeiture is received by the Field Branch, Bureau of Supplies and Accounts (Special Payments Division) Cleveland, Ohio, and shall include pay thereafter becoming due him until such time as he reports for examination or until he is relieved of the necessity for reporting. However, there shall be no forfeiture if satisfactory excuse for failure to report is furnished the Commandant. When resumption of retainer pay is authorized, the Field Branch Bureau of Supplies and Accounts (Special Payments Division) Cleveland, Ohio, will be notified of the inclusive date from which resumption is effective.

§ 14.9302 *Permission to leave the United States for short periods.* Fleet reservists and retired enlisted personnel who desire to leave the United States or its possessions for short periods may do so under the conditions specified in § 14.1804.

§ 14.9303 *Permission to leave the United States for extended periods, members of Fleet Reserve and enlisted personnel of the retired list of the Regular Navy.* (a) Enlisted personnel of the Fleet Reserve and retired personnel who desire to reside outside the United States or its possessions for periods in excess of 6 months, shall forward their requests to the Bureau of Naval Personnel via the Commandant of the naval district, river command, or naval station at which their records are carried. Permission thus granted shall be for periods of 1 year only but may be renewed at the discretion of the Bureau of Naval Personnel.

(b) Records of Fleet Reserve personnel and retired personnel granted permission to reside abroad, shall, except as provided in § 14.1404 (g) and (h) be retained in the naval districts in which they formerly resided. Where residence outside the United States is to be for periods in excess of 6 months in Asiatic countries, their records shall be forwarded to and maintained by the commander, United States Naval Forces, Philippines.

(c) The records of officers of the Fleet Reserve shall be carried and maintained as provided in § 14.1809.

(d) Changes of official residence of officers and enlisted personnel of the Fleet Reserve and retired list shall be reported to the Field Branch, Bureau of Supplies and Accounts (Special Payments Division), Cleveland, Ohio, via the commandant of the naval district, river command, or naval station at which their records are carried, in accordance with § 14.1803.

Appointment and Transfer to the Fleet Reserve

§ 14.9401 *Assignment of officers to Fleet Reserve.* (a) The officer component of the Fleet Reserve will be composed of two classes; First, former temporary officers of the Regular Navy, appointed as such from Fleet Reserve status pursuant to Public Law No. 188, Seventy-seventh Congress, as amended by Public Law No. 305, Seventy-ninth Congress, and who are subsequently returned to Fleet Reserve status in the highest of the temporary ranks or grades satisfactorily held by them; second, those who are ap-

pointed therein in accordance with the provisions of paragraph (b) of this section.

(b) Ex-commissioned and ex-warrant officers of the Regular Navy who have been honorably discharged therefrom after not less than 4 years' service therein, may, subject to their own consent, and in the discretion of the Secretary of the Navy, be appointed in the Naval Reserve in the ranks last held by them in the Regular Navy, and assigned to the Fleet Reserve. Their dates of rank shall be governed by the provisions of § 14.1508.

(c) All officers assigned to the Fleet Reserve may be ordered to active duty in time of war or national emergency and required to serve throughout such periods; but at other times, they shall be ordered to active duty with their own consent only. They are under no obligation to perform training or drill duty while in an inactive status.

(d) Officers whose status comes within the purview of the first proviso of paragraph (a) of this section, shall receive retainer pay computed in the manner prescribed by §§ 14.9405 and 14.9406; those whose status is defined in paragraph (b) of this section, shall be paid in advance \$20 per annum; however, officers shall not be certified for payment of advance pay until they submit an affidavit in the form prescribed by § 14.7306 (a).

(e) The physical examination given at time of separation from the Regular Navy is acceptable if it is recorded on Form NavMed Y, for appointments on applications made within 4 months of such separation. Otherwise a physical examination reported on this form will be required.

(f) Applications for appointment in the Fleet Reserve will be addressed in letter form to the Bureau of Naval Personnel via the nearest office of Naval Officer Procurement, the Bureau of Medicine and Surgery and shall show and be signed with the full legal name of the applicant. They must be accompanied by, or include, the following:

(1) Subject to the provisions of paragraph (c) of this section, report of physical examination, Form NavMed Y.

(2) Finger print record NavPers 680.

(3) Two recent photographs of the applicant's head and shoulders, one profile and one full face, each about 2½ by 2½ inches.

(4) Statement of receipt or nonreceipt of pension, compensation, or retired pay from the Government of the United States, or application therefor.

(5) If separated from the service for more than 1 year, a report of investigation on Bureau of Naval Personnel Form NavPers 944.

(g) Officers of the Fleet Reserve shall be appointed without reference to quotas.

§ 14.9402 *Assignment to class F2 upon termination of enlistment in the Regular Navy.* (a) The Secretary of the Navy may require any person, when enlisting in the Regular Navy, and may authorize any enlisted person in such service to obligate himself to serve 4 years in the Fleet Reserve upon termination of his enlistment.

(b) Enlisted personnel who have so obligated themselves and are recom-

mended for reenlistment shall be assigned to the Fleet Reserve, F2, upon termination of their enlistment in the Regular Navy unless they apply for reenlistment or extension of their enlistment in the Regular Navy, in which event they may be reenlisted or may extend their enlistment in the Regular Navy.

(c) Ex-enlisted personnel of the Regular Navy who have been honorably discharged therefrom and recommended for reenlistment, after not less than 4 years' service therein, and who have not previously obligated themselves to serve in the Fleet Reserve may, subject to their own consent and in the discretion of the Secretary of the Navy, be enlisted in the Naval Reserve in the ratings last held by them in the Regular Navy, and assigned to the Fleet Reserve.

(d) For all purposes of the Naval Reserve Act of 1938 a complete enlistment during minority shall be counted as 4 years' service and enlistment terminated within 3 months prior to the expiration of the term of such enlistment shall be counted as the full term of service for which enlisted.

(e) Except as otherwise provided, personnel assigned to the Fleet Reserve under the provisions of this section shall not, in time of peace, be ordered to active duty, except with their own consent, and shall be under no obligation to perform training duty or drill during that period, but shall be paid in advance \$20 per annum. No enlisted person of the Fleet Reserve shall be certified for payment of annual advance pay unless and until he has submitted to the Commandant of his naval district an affidavit in the form prescribed by § 14.7306 (a).

(f) Upon assignment to the Fleet Reserve, class F2, entry shall be made on back of discharge certificate in upper left-hand corner and on Continuous Service Certificate in space following entry of discharge. These entries must show ship or station on which assignment is made, date of assignment and rate in which assigned. This entry will be signed by the commanding officer.

§ 14.9403 *Restrictions on transfers and assignment to class F2.* (a) Assignment to, or enlistments in the Naval Reserve for assignment to class F2 of the Fleet Reserve will be made only when procurement for this class is authorized by the Bureau of Naval Personnel and when the applicant is in a rating specified by this Bureau as desirable for the Reserve. Such instructions will be issued from time to time, depending upon the number of ratings required in the Reserve and funds available.

(b) Enlisted personnel of class F2 may perform drills, equivalent instruction or duty, or appropriate duty, but will not be entitled to pay therefor.

(c) As the assignment of enlisted personnel to class F2 is for 4-year periods only, such personnel may neither reenlist in class F2 nor extend their enlistment therein.

§ 14.9404 *Application for transfer to the Fleet Reserve.* (a) Applications for transfer to the Fleet Reserve shall be made on Form NAVPERS 630 and should not be submitted to the Bureau of Naval

Personnel over 1 year in advance of date of transfer.

(b) Applications once submitted in proper form may not be cancelled or withdrawn solely for personal reasons.

(c) Personnel awaiting disciplinary action or serving sentence of a court martial, including time on probation, will not be authorized to transfer to the Fleet Reserve until completion of such disciplinary action. Where transfer has already been authorized, the date will be deferred or the authorization canceled as appropriate.

§ 14.9405 *Transfer to class F4 of enlisted personnel who enlisted in Regular Navy prior to 1 July 1925.* (a) Any enlisted person of the Regular Navy who meets any one of the following requirements is eligible for transfer to the Fleet Reserve class F4, on the completion of 16 or more years' naval service even though his service has not been continuous since 1 July 1925:

(1) Serving in the Regular Navy on 1 July 1925.

(2) Discharged prior to 1 July 1925, and reenlisted in the Regular Navy subsequent to that date and within 3 months of date of discharge.

(3) Serving in the Naval Reserve Force on 1 July 1925, in an enrollment entered into within 4 months from the date of discharge from the Regular Navy and thereafter reenlisted in the Regular Navy within 3 months from the date of discharge from the Naval Reserve created by the act of 28 February 1925.

(b) Enlisted personnel so transferred shall, except when on active duty, be entitled to receive, if they have had 16 but less than 20 years' service, pay in the rate of one-third the base pay they were receiving at the time of transfer, plus all permanent additions thereto. If they have had 20 or more years' naval service, they shall receive pay based on one of the following methods of computation, whichever they may elect: First, they may be paid at the rate of one-half of the base pay they were receiving, at the time of transfer, plus all permanent additions thereto, which sum shall be increased 10 per centum for all personnel who may be credited with extraordinary heroism in the line of duty or whose average marks in conduct for 20 or more years shall not be less than 95 percent of the maximum; or second, they may be paid 2½ per centum of the annual base and longevity pay they were receiving at the time of transfer multiplied by the number of years of active Federal service, increased by 10 per centum for all personnel who may be credited with the extraordinary heroism in the line of duty, not to exceed 75 per centum of the active duty base and longevity pay they were receiving at the time of transfer. The determination of the Secretary of the Navy as to the definition of extraordinary heroism shall be final for all purposes in either of the two provisos mentioned above.

§ 14.9406 *Transfer to the Fleet Reserve class F5.* Enlisted personnel who enlisted in the Regular Navy after 1 July 1925, except those specified in § 14.9405, may, upon their own application, be

transferred to the Fleet Reserve only upon completion of at least 20 years' naval service. After such transfer, except when on active duty, they shall receive pay based on one of the following methods of computation, whichever they may elect: First, they may be paid at the rate of one-half of the base pay they are receiving at the time of transfer; second, they may be paid 2½ per centum of the annual base and longevity pay they are receiving at the time of transfer multiplied by the number of years of active Federal service, increased by 10 per centum for all personnel who may be credited with extraordinary heroism in the line of duty, total pay not to exceed 75 per centum of the active duty base and longevity pay they are receiving at the time of transfer.

§ 14.9407 *Transfer of citizens of the insular possessions from the Navy to the Fleet Reserve.* Enlisted personnel of the Regular Navy who are citizens of the insular possessions of the United States including citizens of the Philippine Islands who were members of the Naval service on 4 July 1946 are eligible for transfer to the Fleet Reserve under the same conditions in all respects as are by law and regulations applicable to the transfer to the Fleet Reserve of enlisted personnel of the Regular Navy who are citizens of the United States.

§ 14.9408 *Computation of service for transfer to the Fleet Reserve.* (a) Service for purpose of transfer to the Fleet Reserve includes the following:

(1) For those electing to receive pay under the first option appearing in §§ 14.9405 (b) and 14.9406: active naval service includes service in the Navy, Marine Corps, active service other than training, in the Naval Reserve Force, Naval Reserve or Marine Corps Reserve, and service in the Coast Guard while serving as part of the Navy in time of war.

(2) For those electing to receive pay under the second option appearing in §§ 14.9405 (b) and 14.9406: all active Federal service which includes all active service in the Army of the United States, the Navy, the Marine Corps, the Coast Guard, or any component thereof.

(b) In computing the service of enlisted personnel of the Navy for transfer to the Fleet Reserve, deductions will be made for the following reasons. In indicating these classes of deductions the abbreviations shown below will be used:

Abbreviation	
(a) Time while on furlough without pay.....	FWOP
(b) Inactive service as a member of the Army, Navy, Marine Corps, Coast Guard or any component thereof.....	INES
(c) Absence without leave (including overleave and desertion).....	AWOL
(d) Absence while in civil arrest resulting in conviction and while serving sentence.....	NPDI

(c) In computing the service of enlisted personnel for pay purposes, deductions will be made on account of nonperformance of duty for the following reasons. In indicating these classes of deductions, the abbreviations shown below will be used:

(a) Time while on furlough without pay.....	FWOP
(b) Time lost on account of injury, sickness, or disease resulting from the person's own intemperate use of drugs or alcoholic liquors or other misconduct.....	SEMC
(c) Absence without leave (including overleave and desertion).....	AWOL
(d) Absence while in civil arrest resulting in conviction and while serving sentence.....	NPDI
(e) Nonperformance of duty by reason of confinement both while in arrest resulting in court-martial sentence and while serving such sentence.....	NPDI

(d) Nonperformance of duty by reason of confinement includes time under court-martial sentence in a naval confinement activity (or at a receiving station or other place designated as a place of confinement for naval personnel) and time under arrest awaiting trial which results in conviction and sentence in any of the aforesaid places of confinement. It does not include time in arrest awaiting trial by court martial in case of acquittal.

(e) Nonperformance of duty by reason of confinement does not include time spent in confinement after trial under sentence of court martial or deck courts, where the punishment inflicted does not involve confinement in a naval confinement activity described in paragraph (d) of this section, but involves confinement only to the limits of the ship or station.

(f) In computing service for transfer to the Fleet Reserve, complete enlistments during minority count as 4 years, and any enlistment terminated within 3 months prior to expiration of the term of such enlistment counts as the full term for which enlisted. Only actual time served shall be counted for pay purposes, except that a fractional year of 6 months or more shall be considered a full year.

§ 14.9409 *Transfers to Fleet Reserve and retired list, when effected, are conclusive for all purposes.* All transfers of personnel of the Regular Navy to the Fleet Reserve and all transfers of fleet reservists to the retired list of the Navy, when effected, are conclusive for all purposes, except that the Secretary of the Navy may authorize the correction of any errors which affect the pay status of the individuals concerned.

§ 14.9410 *Physical examination prior to transfer to Fleet Reserve.* Enlisted personnel whose transfer to the Fleet Reserve has been authorized by BuPers shall be examined prior to such transfer. Reports on all such examinations shall be made on Form NavMed Y and forwarded to BuPers via BuMed. Where it is determined upon physical examination that an individual is physically qualified for duty at sea, a report of examination on Form NavMed Y will normally be sufficient for the purpose of classifying the person for duty. Those enlisted personnel found upon physical examination to have defects or disabilities of such nature as to disqualify them for duty at sea, shall be brought before a board of medical survey and a report on Form NavMed M forwarded to BuPers via BuMed. The

final duty classification in each case will be made by BuPers after receipt of Form NavMed Y or Form NavMed M.

(b) Enlisted personnel physically examined for transfer to the Fleet Reserve will be transferred as authorized by BuPers and will be classified by BuPers, after transfer is effected, as follows:

(A) *Classes F4 and F5.*

Class A. Those fit for the duties of their rating at sea, with due allowance for age and length of service.

Class B-1. Physically qualified for mobilization ashore only (including foreign shore).

Class B-2. Physically qualified for mobilization ashore only, limited to duty within the continental limits of the United States.

Class C. Those unfit for any duty.

(c) Fleet reservists, classes F4 and F5, who are physically examined after transfer to the Fleet Reserve and found unfit for any duty will be classified, as provided in paragraph (b) of this section, and will be transferred to the retired list of the Regular Navy upon receipt of authority from the Bureau of Naval Personnel.

§ 14.9411 *Travel allowance for enlisted personnel transferred to the Fleet Reserve.* Enlisted personnel transferred from the Regular Navy to class F4 and F5 are entitled to travel allowance or to transportation in kind as provided in Navy Travel Instructions.

Records and Reports

§ 14.9501 *Service records.* (a) Records of officers of the Fleet Reserve will be maintained by the Commandants of naval districts or river commands, the commanders of naval stations not located within the geographical limits of naval districts, and the commander, naval forces, Philippines, whichever activity has control of the place of residence of the officers concerned.

(b) Activities in paragraph (a) of this section will maintain service records NAVPERS 601 for all enlisted personnel of the Fleet Reserve and retired list under their jurisdiction. Records will be prepared and maintained in accordance with the requirements of § 14.1807, insofar as applicable.

§ 14.9502 *Record of quadrennial physical examinations and professional qualifications.* Activities listed in § 14.9501 will maintain records showing the physical and professional qualifications of personnel in classes F2, F4, and F5 under their jurisdiction, in accordance with § 14.9301. Professional qualifications should be considered after each physical examination, and a statement shall be entered in the person's service record indicating the type of duty for which he is best fitted.

Duties of Fleet Reservists

§ 14.9601 *Duties, classes F and F2.* In time of peace officers and enlisted personnel of these classes shall not perform active duty except with their own consent, in accordance with § 14.9402.

§ 14.9602 *Duties, transferred enlisted members of the Fleet Reserve.* (a) In time of peace all enlisted personnel who were transferred to the Fleet Reserve, after 16 years' or more service in the

Regular Navy, may be required to perform not more than 2 months' active service during each 4-year period.

(b) In accordance with § 14.1901, no member of the Fleet Reserve shall be barred from accepting civilian employment under the Federal Government (or in any civil branch of the service) nor from receiving the pay and allowances incident to such employment in addition to any retainer or retired pay authorized, nor from practicing a civilian profession or occupation before or in connection with any department of the Federal Government.

(c) In accordance with § 14.1903 all officers and employees of the United States or of the District of Columbia who are members of the Fleet Reserve are entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating on all days during which they may be employed, with or without pay under orders or authorization of competent authority, on training duty for periods not to exceed 15 days in any one calendar year.

§ 14.9603 *Release of enlisted personnel of classes F2, F4, and F5 to inactive duty.* In order that Commandants of districts may make suitable arrangements for the use of enlisted personnel of classes F2, F4, and F5 at mobilization, it is essential that the following measures be taken by commanding officers who release such personnel to inactive duty immediately following their assignment or transfer to the Reserve:

(a) The reservist will be instructed in writing by his commanding officer of his obligation to respond to orders to active duty in time of war or national emergency, and of the necessity of keeping himself in readiness and physically fit for service therefor, that he must at all times keep the Commandant of the naval district in which he resides informed of his home address; that he must answer promptly all letters addressed to him by proper authority and that he must inform the Commandant of any change in his health which might prevent service in time of war.

(b) The commanding officer will also instruct in writing all enlisted personnel transferred to the Fleet Reserve after 16 years' or more service in the Regular Navy that, in time of peace, they may be required to perform not more than 2 months' active duty in each 4-year period and shall be examined physically at least once during each 4-year period.

(c) The commanding officer will inform the reservist of the recruiting and other naval stations as well as of the Naval Reserve activities nearest his home and encourage him to maintain touch with these activities.

(d) The current service record will be closed out and forwarded to the Bureau of Naval Personnel.

(e) A new service record will be made out and forwarded to the Commandant of the district or river command in which the reservist intends to reside. The commanding officer will fill out and attach to the service record Form NavPers 609.

(f) Health records will be handled in accordance with the provisions of the Manual for the Medical Department.

(g) If accounts are complete, the continuous-service certificate should be closed out and returned to the individual concerned. If accounts are incomplete upon transfer and it is necessary for the Commandant to make adjustment, the continuous-service certificate will be forwarded to the Commandant with his service record; when all adjustments have been made the continuous-service certificate will be returned to the individual concerned.

§ 14.9604 *Physical examinations.* (a) All enlisted personnel in the Fleet Reserve who have been transferred from the Regular Navy after 16 or more years of service therein, shall be examined physically at least once during each 4-year period. As a result of this examination enlisted personnel will be classified physically in the manner described in § 14.9410.

(b) Commandants of naval districts will direct the necessary examinations and forward the medical examiners' reports, NAVMED Form Y, to the Bureau of Medicine and Surgery in duplicate. The Bureau of Medicine and Surgery will forward a copy of the report bearing the Commandant's recommendation to the Bureau of Naval Personnel. Boards of medical survey are not ordinarily required in order to effect retirement of enlisted personnel on inactive duty.

(c) Members of the Fleet Reserve will not, unless urgently required by particular circumstances, be ordered to active duty until examined by a medical officer of the Navy or Naval Reserve and found physically qualified for active duty.

Discipline

§ 14.9701 *Members of Fleet Reserve subject to naval discipline.* Enlisted members of the Fleet Reserve, and enlisted personnel who may have heretofore been transferred to the retired list of the Naval Reserve Force or to the retired or honorary retired list of the Naval Reserve with pay or who may hereafter be so transferred, shall at all times be subject to the laws, regulations, and orders for the government of the Navy, and shall not be discharged therefrom prior to the expiration of their term of service, without their consent, except by sentence of a court martial, or, in the discretion of the Secretary of the Navy, when sentenced by civil authorities to confinement in a State or Federal penitentiary as a result of a conviction for a felony.

§ 14.9702 *Discharge for disciplinary reasons.* (a) Discharges for disciplinary reasons of officers of the Fleet Reserve who are not on active duty must be for full and sufficient cause in the discretion of such administrative authority as the Secretary of the Navy may designate.

(b) The discharge of officers for cause shall be accomplished in accordance with § 14.6202.

Separation From Fleet Reserve

§ 14.9801 *Discharge.* (a) An officer of the Fleet Reserve may be discharged under the following conditions:

(1) For cause as provided for in §§ 14.6202 and 14.9702.

(2) For routine administrative reasons as provided in § 14.6203.

(3) Upon his own request.

(4) Upon reaching the ages in grade specified in § 14.6304.

(b) Enlisted personnel of the Fleet Reserve shall be discharged only upon the expiration of their terms of service or at their own request, except as provided in § 14.9701.

§ 14.9802 *Retirement of enlisted personnel transferred to Fleet Reserve after July 1, 1925.* (a) Enlisted personnel of class F4 who were transferred to the Fleet Reserve in accordance with § 14.9405, and who are not retired in accordance with § 14.9604 shall upon completion of 30 years' service be transferred to the retired list of the Regular Navy with the pay they are then legally entitled to receive.

(b) Enlisted personnel of class F4 transferred to the retired list of the Regular Navy in accordance with § 14.9604 shall continue to receive the same pay.

(c) Enlisted personnel of class F5 transferred to the Fleet Reserve in accordance with the first option appearing in § 14.9406 shall, upon completion of 30 years' service, including naval service and time in the Fleet Reserve, be transferred to the retired list of the Regular Navy with the pay they are then legally entitled to receive; those who elected to receive pay based on the second option appearing in § 14.9406 shall, upon completion of 30 years' service, continue to receive the same pay.

(d) Enlisted personnel of class F5 transferred to the retired list in accordance with the provisions of § 14.9604 shall continue to receive the same pay they elected to receive under the provisions of § 14.9406. Upon completion of 30 years' service those who were transferred under the provisions of the first option appearing in § 14.9406 shall receive all permanent additions to their base pay including longevity pay credit for time in the Fleet Reserve; those who were transferred to the retired list in accordance with the second option appearing in § 14.9406, shall continue to receive the same pay.

(e) In the computation of service requisite for transfer of enlisted personnel of the Fleet Reserve to the retired list of the Regular Navy, service in the Army, Navy, Marine Corps, Coast Guard and reserve components thereof, and on the retired list of the Regular Navy, shall be included, and such service as may, prior to August 24, 1912, have been authorized by law to be counted as double time shall be credited as double time for this computation.

SUBPART J—NAVAL RESERVE AVIATORS

Purpose

§ 14.10101 *Purpose.* To procure and train officer and enlisted pilots of the Naval Reserve to augment the personnel of the regular naval establishment in peacetime and upon mobilization, to meet requirements. The procurement for the Naval Aviation College Program (Holloway Plan) is covered in "Regulations for Administration and Training

Naval Aviation College Program 1946" (NavPers 15657), approved 21 August 1946. (These regulations are Part 13 of this chapter.)

Composition

§ 14.10201 *Naval aviation cadets, V5 and officers of basic classification A1 or A2.* (a) The grade of aviation cadet is a special enlisted grade in class V5 of the Naval Reserve. It was established to provide a suitable classification for officer candidates undergoing flight training leading to their designation as naval aviators and commissions as ensigns, with assignment to the basic classification of A1 or A2 in the Naval Reserve, or second lieutenants (NAVC) in the Marine Corps Reserve.

(b) Upon successful completion of flight training, aviation cadets may be designated naval aviators and commissioned as ensigns in the Naval Reserve, or as second lieutenants, United States Marine Corps Reserve. While on continuous active duty in the Naval Reserve next following successful completion of flight training and acceptance of commissions as ensigns, such officers will be carried in the basic classification of A1 or A2. Upon release from active duty at any time they will be assigned to the classification of A3 or A4, if qualified. After release from active duty, no retransfers to classification A1 or A2 will be made.

(c) The status of the basic classification of A1 or A2 may be attained only by aviation cadets who fulfill the requirements of law for commissions and designations as naval aviators following successful completion of flight training as aviation cadets. Upon being commissioned, the aviation-cadet enlistment shall be terminated by an appropriate entry in the service record without necessity for discharge. If an aviation cadet fails to qualify for appointment and assignment to the basic classification of A1 or A2 and is commissioned in the Naval Reserve with assignment to any other classification, he shall not be deemed to have been commissioned pursuant to the Naval Aviation Cadet Act of 1942.

§ 14.10202 *Naval aviation pilots; class V8.* Class V8 shall be composed of enlisted men in the Naval Reserve undergoing the regularly prescribed course leading to designation as aviation pilot, or who are serving on continuous active duty next following successful completion of such course and designation as aviation pilot. Aviation pilots of class V8 may, upon recommendation by their commanding officer to the Bureau of Naval Personnel, be considered for appointments as ensigns in classification A3.

§ 14.10203 *Other pilots.* Sections 14.10201 and 14.10202, do not apply to officers of the Naval Reserve who qualify for designation as naval aviators as the result of brief refresher courses. Officers in this category will be assigned to classification A5.

Naval Aviation Cadets, V5

§ 14.10301 *Aviation Cadet Procurement—(a) Civilian candidates.* The

procurement from civilian sources of qualified applicants for enlistment as aviation cadets is the direct responsibility of the Offices of Naval Officer Procurement. Aviation cadets may not be enlisted by any other recruiting activity.

(b) *Apprentice seamen, V5.* Offices of Naval Officer Procurement may enlist as apprentice seamen, V5, in such numbers as may be prescribed by the Chief of Naval Personnel, civilian applicants who meet all requirements specified in § 14.10302, except as to minimum education or minimum age or both, provided that each such applicant has graduated from or is currently enrolled in an accredited high school or secondary school with a reasonable expectation of graduation by June 30 of the fiscal year in which enlisted, and has reached his seventeenth birthday at the time of enlistment. When such apprentice seaman, V5, becomes fully qualified for transfer to aviation cadet, V5, transfer shall be effected by the Office of Naval Officer Procurement carrying the service records. Apprentice seamen, V5, enrolled in accredited high schools or secondary schools who drop out of school for any reason or fail to graduate by the end of the academic year current at the time of enlistment will be immediately transferred to Class V6.

(c) *Candidates from personnel already in the Naval Reserve.* Officers and enlisted men of the Navy, Naval Reserve, Marine Corps, or the Marine Corps Reserve may be selected for flight training as aviation cadets in such numbers and under such instructions as may be prescribed from time to time by the Chief of Naval Personnel.

§ 14.10302 *Naval aviation cadets, V5; requirements.* (a) An applicant for flight training as aviation cadet must meet the following requirements:

(1) Be a male citizen of the United States.

(2) Be between his eighteenth and twenty-seventh birthdays.

(3) Agree to remain on active duty for 4 years, including period undergoing training as aviation cadet, unless released sooner by the Navy Department.

(4) Be unmarried, and must agree to remain unmarried until appointed a commissioned officer, unless released sooner by the Navy Department.

(5) Be educationally, morally, physically, and psychologically qualified for training as an aviation cadet and commission in the Naval Reserve or Marine Corps Reserve.

(6) Have a minimum education of graduation from an accredited high school or secondary school.

(b) Applicants who have previously failed in the Army flight training course are not eligible.

(c) In addition to the requirements prescribed in paragraph (a) of this section, civilian applicants must pass such mental tests as may be prescribed by the Chief of Naval Personnel.

(d) Violations of agreements entered into at time of enlistment or selection, or falsifying material facts in applications for enlistment will result in discharge.

§ 14.10303 *Offices of Naval Officer Procurement.* (a) Offices of Naval Offi-

cer Procurement, in addition to their other functions, will be responsible for the procurement of aviation cadets under such instructions as may be issued by the Chief of Naval Personnel. Each Office of Naval Officer Procurement will have assigned to it at least one aviation line officer, assisted by medical officers (qualified flight examiners) and other personnel, in such numbers as may be prescribed by the Chief of Naval Personnel.

(b) Offices of Naval Officer Procurement will be charged with:

(1) Procurement of aviation cadets and administration of aviation cadets on active duty or inactive duty whose records are carried by the ONOPs.

(2) Procurement of A5 officers.

(c) The Navy Recruiting Service will cooperate in the procurement of civilian candidates for flight training.

§ 14.10304 *Naval aviation cadets; applicants and enlistments.* (a) Applicants qualified in all respects may be enlisted by Offices of Naval Officer Procurement without prior reference to the Bureau. Doubtful cases shall be referred to the Bureau for approval before enlistment is accomplished.

(b) Applications from civilians shall be submitted on Form NavPers 973, together with required documentary data, and shall be forwarded to the Bureau immediately after the enlistment of an applicant in class V5, United States Naval Reserve, except as noted in the foregoing paragraph. The applications of rejected applicants will not be submitted to the Bureau.

(c) Application forms must be properly completed and accompanied by all required data in acceptable form, as prescribed by current instructions.

§ 14.10305 *Aviation cadet training; applications from personnel in the naval service.* (a) Applications of personnel on inactive duty will be processed in the same manner as applications from civilians, that is, by Offices of Naval Officer Procurement.

(b) Applications of personnel on active duty will be processed in accordance with instructions issued by the Bureau of Naval Personnel from time to time.

§ 14.10306 *Naval aviation cadets; general.* (a) Aviation cadets on active duty are subject to all laws, regulations, and orders for the government of the Navy and are subject to the same disciplinary measures as members of the Regular Navy.

(b) Disposition of aviation cadets who fail in flight training shall be in accordance with instructions issued from time to time by the Chief of Naval Personnel.

(c) Aviation cadets are student naval aviators. Designations or orders to duty involving flying are not required. Their pay includes extra pay for flying.

(d) Aviation cadets are officer candidates. Insofar as practicable they will be segregated from other enlisted men for housing, messing, and hospitalization, and other general purposes.

(e) Aviation cadets are entitled to issue in kind of uniforms, clothing, and equipment as may be prescribed for members of the Naval Reserve undergoing flight training leading to a commission.

§ 14.10307 *Pay and allowances; naval aviation cadets.* (a) The pay of aviation cadets while on active duty is at the rate of \$75 per month. When not subsisted at government expense, aviation cadets are entitled to a money allowance for subsistence of \$1 per day except when in a travel status when they shall receive the same allowance for subsistence as other enlisted men. Aviation cadets shall not be entitled to receive additional pay for longevity.

(b) When traveling under orders, aviation cadets shall receive transportation and other necessary expenses incident to such travel, or cash in lieu thereof, as prescribed for enlisted men of the Navy. Unless prescribed by the Chief of Naval Personnel, orders to aviation cadets will not be so worded as to authorize travel by privately owned automobiles.

(c) The act of June 23, 1942, which provides for family allowances, applies to aviation cadets in the same manner as to enlisted men of the fourth pay grade.

§ 14.10308 *Insurance; naval aviation cadets and officers of basic classification A1 or A2.* (a) Upon reporting for active duty, aviation cadets who do not hold Government insurance policies will be issued National Service Life Insurance in the amount of \$10,000, the premiums on which shall be paid, during the period of their active duty as aviation cadets, from the current Naval Reserve appropriation. Aviation cadets who may hold United States Government life insurance or National Service life insurance upon reporting are covered in paragraph (e) of this section.

(b) Veterans' Administration Insurance Form 350 (application for National Service life insurance) will be executed in quadruplicate on the date the aviation cadet reports as such for active duty for training, and the original and two copies will be submitted to the Bureau of Supplies and Accounts, Field Branch (Special Payments Division) and the quadruplicate shall be retained by the applicant. The form of insurance to be applied for by aviation cadets shall be the 5-year level premium term policy. Except as provided in paragraph (e) of this section, the amount shall be \$10,000, and the effective date of the policy will be the date of entry upon active duty as an aviation cadet.

(c) Upon release from active duty or termination of aviation-cadet status the cognizant commanding officer will notify the Bureau of Supplies and Accounts, Field Branch (Special Payments Division) by letter, in duplicate, stating the date of such termination and requesting that no further premiums be paid by the Government. Such aviation cadets not commissioned as ensigns with assignment to the basic classification of A1 or A2 in the Naval Reserve, or second lieutenants, in the Marine Corps Reserve must be informed by the commanding officer of the activity where the student is separated from the flight training program that the premium payments by the Government on their Government life insurance are being discontinued, and it must be explained to them that they have

the option of continuing insurance policies at their own expense. The following entry on page 9 of the enlisted service record shall be made in the case of each aviation cadet, V5, and shall be signed by the student:

I understand that premium payments by the Government on my Government life insurance are being discontinued, and that I may continue my insurance policy at my own expense.

(d) (1) When the aviation cadet so insured has been commissioned an ensign with assignment to the basic classification of A1 or A2, U. S. N. R., the insurance shall be continued in force as required by law. The allotment method shall be employed for payment of premiums upon all Government insurance by all officers of the basic classification of A1 or A2. Upon being commissioned an ensign, with assignment to the basic classification of A1 or A2, U. S. N. R., this compulsory allotment shall be registered immediately to provide for continuity of premium payment. The premium due date is the monthly anniversary date of reporting for active duty as an aviation cadet.

(2) When commissioned prior to the due date of the premium, the allotment should be registered for first payment the month preceding that in which aviation-cadet status terminated.

(3) When commissioned after the due date of the premium, the allotment should be registered for first payment the month in which aviation-cadet status terminated.

(4) When the actual due date of the premium is not known, the allotment may be registered for first payment the month in which aviation-cadet status terminated. In the event an additional premium is due to adjust the account, payment may be made by direct remittance upon receipt of advice.

(e) (1) Section 5 of the Naval Aviation Cadet Act of 1942 provides in part that:

Aviation cadets will be issued Government life insurance in the amount of \$10,000 effective from the date of reporting for active duty, and premiums on such insurance shall be paid during the period of their active duty from current appropriations * * *

Section 603 of the National Service Life Insurance Act of 1940, as amended, provides that no person may carry a combined amount of National Service life insurance and United States Government life insurance in excess of \$10,000. Aviation cadets who may be holding United States Government life insurance or National Service life insurance upon reporting for active duty as aviation cadets have the option (i) of surrendering such policies as may be in force or (ii) of continuing such policies at their own expense. In the latter event, premiums must be paid by allotment. If the amount of the continued insurance is less than \$10,000, there will be issued additional National Service life insurance at Government expense, the face value of which will be the difference between the face value of such policies as the individual may be carrying, and \$10,000.

(2) An aviation cadet who elects to surrender his United States Government life insurance or National Service life in-

insurance to obtain full coverage of \$10,000 at Government expense may do so by executing application for National Service life insurance in the amount of \$10,000. In such case he will be deemed to have surrendered such policy or policies as he may be holding as of the date of signing application for National Service life insurance in the amount of \$10,000 at Government expense. If the insurance he is holding has a cash surrender value, and only in that event, the aviation cadet will execute and file "Application for Cash Surrender Value of U. S. Government Life Insurance" (Veterans' Administration Form No. 849) at the time he applies for the \$10,000 National Service life insurance at Government expense. (U. S. Government life insurance and National Service life insurance issued on the 5-year level premium term plan do not have a cash surrender value.) Veterans' Administration Form 849 shall be forwarded direct to the Veterans' Administration; Veterans' Administration Form 350 shall be forwarded to the Bureau of Supplies and Accounts Field Branch (Special Payments Division).

(3) Aviation cadets who elect to retain their United States Government life insurance or National Service life insurance policies, may do so. If the amount retained is less than \$10,000, such aviation cadets upon reporting for active duty for training will make application for National Service life insurance at Government expense, the face value of which will be the difference between the face value of the policy or policies which the aviation cadets may hold, and \$10,000. The new application (Veterans' Administration Form 350) will contain an entry in item 9 as follows:

Insurance in amount of \$----- will be carried at my own expense. An allotment has been authorized.

(4) Aviation cadets who, upon entering upon active duty for training, elected to continue their policy or policies at their own expense as provided in the foregoing paragraph, may surrender such policies at a later date during their training period, if they so desire. However, since there is an obligation on the part of the Government to insure that each aviation cadet will have full \$10,000 insurance coverage, surrender of such policies may be made only upon filing application for a new policy of the same face value, the premiums on which will be paid by the Government. In such cases, the effective date of the surrender will be deemed to be the date of signature of the new application. (The original application for cash surrender will be forwarded direct to the Veterans' Administration.) Copy of Veterans' Administration Form 849 should accompany the new application (Veterans' Administration Form 350, in triplicate) when the application is forwarded to the Bureau of Supplies and Accounts Field Branch (Special Payments Division) together with an explanatory letter.

(f) Aviation cadets and officers of the basic classification A1 or A2 will not be permitted to borrow against their Government insurance policies. Aviation cadets and officers of the basic classification A1 or A2 will not be permitted

to stop their allotments to the Veterans' Administration except when it is necessary due to renewal, conversion or surrender to obtain an equal amount of National Service life insurance, in which event not one single month shall intervene between the last month paid under the old allotment and the commencing date of the new allotment.

(g) Insurance issued to aviation cadets may be converted at any time after the policy has been in force for one year and within the 5-year period, except that conversion will not be permitted while the premiums are being paid by the Government.

Officers of Basic Classification A1 or A2

§ 14.10401 *Appointments and designations.* (a) Aviation cadets who fulfill the requirements of law for designation or appointment as naval aviators may be commissioned ensigns, with assignment to the basic classification of A1 or A2, United States Naval Reserve or second lieutenants, (NAVC) Marine Corps Reserve. Only those aviation cadets so commissioned and so designated or appointed shall be deemed to have been commissioned pursuant to the Naval Aviation Cadet Act of 1942.

(b) Aviation cadets completing training at approximately the same time shall be deemed to have commenced their commissioned service from the same date. The decision of the Secretary of the Navy in this regard shall be conclusive for all purposes.

(c) Ensigns or second lieutenants commissioned pursuant to the Naval Aviation Cadet Act of 1942 or to the Naval Aviation Reserve Act of 1939 may, after 3 years of active duty, as such, and if found qualified after such examinations as the Secretary of the Navy may prescribe, be commissioned lieutenants (junior grade) in the Naval Reserve or first lieutenants in the Marine Corps Reserve respectively.

(d) The designation A1 or A2 is intended to identify officers commissioned and serving on continuous active duty pursuant to the Naval Aviation Cadet Act of 1942 and the Naval Aviation Reserve Act of 1939. Officers may not be transferred from the basic classification of A1 or A2 to any other class of the Naval Reserve except upon release from active duty. Officers released from active duty may not be continued in the basic classification of A1 or A2.

§ 14.10402 *Active duty.* (a) Officers of the basic classification of A1 or A2 will be ordered to active duty in the Aeronautic Organization of the Navy by the Chief of Naval Personnel, and may be required to serve on active duty for the remainder of the 4-year or such lesser periods as they have agreed to serve, the period in any case to be computed from the date of commencement of active duty as an aviation cadet.

(b) In time of peace officers commissioned in accordance with § 14.10401 (a) may be employed on active duty only during the 7-year period next following the date of such commissioning, except that such officers may be ordered to active duty thereafter for the purpose of

instructing and training members of the Naval Reserve or Marine Corps Reserve.

(c) Retention on active duty of officers of the basic classification of A1 or A2 is subject at all times to the exigencies of the service, satisfactory performance of duty, and availability of funds for this purpose.

§ 14.10403 *Resignations.* (a) The resignations of officers of the basic classification of A1 or A2 prior to the expiration of the period during which they have agreed to serve on active duty, will not be accepted.

§ 14.10404 *Pay and allowances.* (a) The pay and allowances of officers of the basic classification of A1 or A2 are those provided for Naval Reserve officers on active duty.

(b) When first commissioned next following completion of training as aviation cadet, officers of the basic classification of A1 or A2 shall be paid a uniform allowance of \$150. Any officer who has heretofore received the cash uniform gratuity of \$150 provided in section 302 of the Naval Reserve Act of 1938 shall not be entitled to this uniform allowance.

(c) Officers appointed in the Naval Reserve in accordance with the provisions of § 14.10401 (a) or the Naval Aviation Reserve Act of 1939 shall be entitled to the additional uniform gratuity of \$50.00 under the circumstances prescribed in § 14.8704 (a) (1) and (2).

(d) When officers commissioned in accordance with the provisions of § 13.10401 (a) are released from active duty that has been continuous for one or more years, they, or in the event of their death after continuous active duty for one or more years, their beneficiaries as designated on Form BNP 803 shall be paid a lump sum of \$500 for each complete year of continuous commissioned active service. In the event of their death not the result of their own misconduct, or if released from active duty otherwise than upon their own request or as a result of disciplinary action, this lump-sum payment shall be prorated for the fractional part of each year of such service. The lump-sum payment authorized herein shall accrue for not more than 7 years and shall be in addition to any pay, allowances, compensation, or benefit which they may otherwise be entitled to receive. (During war or national emergency the President may suspend lump-sum payments in the case of officers who were formerly enlisted in the grade of aviation cadet or transferred to that enlisted grade on and after September 3, 1942.)

§ 13.10405 *Orders for release from active duty; officers of basic classification A1 or A2.* (a) The Secretary of the Navy may release an officer of the basic classification of A1 or A2 from active duty at any time. Officers of the basic classification of A1 or A2 who do not request or are not selected for continuation on active duty beyond the 4-year period, will be issued orders for detachment and release, effective as soon as practicable after the expiration of the 4-year period, or the period for which they agreed to serve. The existing orders of those officers who are selected to continue on active duty will remain in effect until such

time as they receive orders for change of station or release from active duty.

(b) Immediately upon detachment of an officer holding the basic classification of A1 or A2, with orders to proceed to his home for release from active duty, the commanding officer of the activity processing the officer for release from active duty shall advise the Chief of Naval Personnel and the Commandant of the naval district in which such officer resides, of the date of detachment and release from active duty, allowing time for travel to his home by the shortest usually traveled route, plus such leave, if any, as may be granted.

§ 14.10406 *Records.* (a) When officers of the basic classification of A1 or A2 are released from active duty their health and other records will be forwarded by the command having cognizance, to the Commandant of the naval district in which they reside.

(b) Fitness reports on officers of the basic classification of A1 or A2 shall be submitted in accordance with the provisions of article 137, United States Navy Regulations.

(c) When an officer of the basic classification of A1 or A2 is detached with orders to proceed to his home for release from active duty, his commanding officer shall notify by letter the Commandant of the naval district in which the official residence of the individual is located, with copy to the Bureau of Naval Personnel. This letter shall state the date of detachment, number of days of leave granted, date of release from active duty, and official residence; and is for the purpose of providing the Commandant with information on the basis of which the individual may be taken up on the district rolls as a reserve officer on inactive duty.

Naval Aviation Pilots

§ 14.10501 *Naval aviation pilots; class V8.* Class V8 shall be composed of student aviation pilots of the Naval Reserve undergoing regular prescribed courses leading to designation as aviation pilot, and aviation pilots so serving continuously on active duty next following completion of the regularly prescribed flight-training course in class V8.

§ 14.10502 *General requirements; class V8.* (a) All applicants for enlisted pilot training and assignment to class V8, Naval Reserve, must meet the following requirements:

(1) Must be between eighteenth and twenty-seventh birthdays. Maximum age not over 27 years on July 1 of the fiscal year during which application is submitted.

(2) Must have at least 1 year's service on active duty.

(3) Must be recommended by commanding officer.

(4) Must sign an agreement to serve for a continuous period of 2 years on active duty following successful completion of flight training, unless sooner released. Agreement to extend enlistment must be executed if obligated service under current enlistment is less than 3 years.

(5) Must be physically and psychologically qualified for flight training.

(b) Enlisted men of the Naval Reserve who qualify and are selected for aviation pilot training will be transferred to class V8 of the Naval Reserve upon reporting for such training. Those who fail in flight training will be retransferred to the rating and class previously held, if otherwise qualified.

(c) Applications for aviation pilot training will not be submitted directly to the Chief of Naval Personnel but to such Commandants and force commanders as may be designated.

§ 14.10503 *Aviation pilot ratings; class V8.* (a) Upon successful completion of flight training and designation as aviation pilot, student aviation pilots who hold ratings up to and including the second pay grade, will be rated as aviation pilot, first class, U. S. N. R. Those in the first pay grade will be rated as chief aviation pilot. No enlisted man shall suffer a reduction in rating under these provisions. Thereafter, they will be eligible for advancement in rating under the regulations prescribed for other enlisted men of the Naval Reserve.

(b) Aviation pilots of the Naval Reserve may, if qualified, be considered for commissions in the Naval Reserve, under such regulations as the Secretary of the Navy may prescribe. When so commissioned, they will be carried in classification A3 of the Naval Reserve.

§ 14.10504 *Insurance; class V8.* (a) Upon reporting for active duty undergoing training, enlisted men of class V8 will be issued National Service life insurance in the amount of \$10,000, or in an amount equal to the difference between existing Government life insurance policies and the sum of \$10,000, in the same manner as provided in § 14.10308, the premiums on which shall be paid during the period of their active duty as student aviation pilots and aviation pilots, from the current Naval Reserve appropriations. If discharged, released from active duty or if transferred from class V8 for any reason, such enlisted men will have the option of continuing these policies at their own expense.

(b) Upon discharge, release from active duty, or transfer from class V8, the cognizant commanding officer will notify the Bureau of Supplies and Accounts by letter requesting that no further premiums be paid. The individual must be informed by the commanding officer of the activity where the student is separated from the flight training program that the premium payments by the Government of their Government life insurance are being discontinued, and it must be explained to them that they have the option of continuing insurance policies at their own expense. The following entry on page 9 of the enlisted service record shall be made in the case of each enlisted man of class V8, and shall be signed by the student:

I understand that premium payments by the Government on my Government life insurance are being discontinued, and that I may continue my insurance policy at my own expense.

(c) Insurance policies issued to enlisted men of class V8 will continue in

force, and the premiums will be paid by the Government, during the period of training, the 2-year obligated period of active duty thereafter, and during an additional period the enlisted man may agree to serve, provided such service is continuous.

§ 14.10505 *General; class V8.* (a) Each enlisted man of class V8 must, before commencement of training, sign an agreement to serve for a continuous period of 2 years on active duty in the Naval Reserve following successful completion of flight training, unless sooner released. In time of peace such aviation pilot may, with his own consent, in the discretion of the Secretary of the Navy, serve on active duty for an additional period of not more than 2 years.

(b) Any student aviation pilot or aviation pilot in the Naval Reserve may be discharged or released from active duty at any time under such instructions as the Chief of Naval Personnel may prescribe.

SUBPART K—NAVAL RESERVE NURSE CORPS

Purpose

§ 14.11101 *Purpose.* The purpose of the Naval Reserve Nurse Corps is to provide additional qualified nurses to be readily available for service in time of war or national emergency.

Composition

§ 14.11201 *Composition of Naval Reserve Nurse Corps.* The Naval Reserve Nurse Corps shall be composed of graduate registered unmarried female nurses, who are citizens of the United States or of the insular possessions thereof, and who by accepting appointment in the Naval Reserve obligate themselves to serve in the Navy in time of war or when in the opinion of the President a national emergency exists, and, if required to do so, throughout the war or until the national emergency ceases to exist.

Organization and Administration

§ 14.11301 *Organization of Naval Reserve Nurse Corps.* Nurses shall be appointed in the Naval Reserve Nurse Corps for service in time of war or national emergency, in accordance with article 1646, United States Navy Regulations and the Manual of the Medical Corps.

§ 14.11302 *Administration of Naval Reserve Nurse Corps.* Naval Reserve nurses are under the immediate cognizance of and administered directly by the Bureau of Medicine and Surgery, subject to the approval of the Bureau of Naval Personnel insofar as pertains to any expenditures or obligations in connection with their recruiting, administration, training, or mobilization.

§ 14.11303 *Addresses of nurses and changes in marital status.* A Naval Reserve nurse, when first appointed, is required to inform the Bureau of Medicine and Surgery of her official residence, § 14.1802, and that of her next of kin, and to keep the Bureau of Medicine and Surgery promptly informed of any change of official residence or next of kin, and of any change in her marital status.

§ 14.11304 *Subject to rules and regulations.* Naval Reserve nurses having re-

ported for active duty, are subject to the same rules and regulations as prescribed for nurses of the Regular Navy.

§ 14.11305 *Annually to report to Bureau of Medicine and Surgery.* The Bureau of Medicine and Surgery will forward to each Naval Reserve nurse in January of each year NAVMED 1028 "Questionnaire for Naval Reserve Nurses." Upon receipt of this form each nurse shall promptly supply the information called for and return the form to the Bureau of Medicine and Surgery in accordance with the printed instructions contained thereon.

Procurement

§ 14.11401 *District quotas.* (a) The Commandants of the several naval districts are charged with the procurement of nurses for appointment in the Naval Reserve in such numbers as may be prescribed by the Bureau of Naval Personnel from time to time, to meet mobilization needs.

(b) Each application for appointment shall be accompanied by the report of physical examination in duplicate, on NavMed Form Y and all other papers pertaining to the professional and other requirements, together with the Commandant's endorsement relating thereto, shall be forwarded direct to the Bureau of Medicine and Surgery for approval and final recommendation.

§ 14.11402 *Term of appointment.* Naval Reserve nurses shall be appointed by the Surgeon General of the Navy subject to the approval of the Secretary of the Navy. Such nurses shall serve during the pleasure of the Secretary of the Navy, unless sooner discharged as provided in § 14.11601.

§ 14.11403 *Qualifications for appointment.* (a) For appointment as a Naval Reserve nurse, the applicant must be a female citizen of the United States or of the insular possessions of the United States, of good character, and between 22 and 40 years of age. She must be unmarried, widowed, or legally separated if married and not widowed. She must be a graduate of and have completed an academic course in an accredited high school, and must be a graduate of an accredited school of nursing, the educational and professional standards of which are approved by the Surgeon General of the Navy. She shall also be a registered nurse. In this connection the following papers and certificates will be required:

- (1) Satisfactory evidence of citizenship.
- (2) Certificate of graduation from an accredited high school.
- (3) Certificate of graduation from an accredited school of nursing.
- (4) Certificate of registration as a graduate nurse.
- (5) Letters of recommendation from three or more reputable persons testifying from personal knowledge as to the good habits and moral character of the applicant.
- (6) If the applicant has special educational or professional training, such as anesthetist, dietitian, etc., certificates to

this effect signed by the proper authorities.

(7) Transcript of credits from last school, other than school of nursing where she matriculated.

(8) Recent photographs of candidate, profile and full face, in uniform.

(9) Fingerprint records, Form B. N. P. 680.

(b) The physical requirements for appointment of Naval Reserve nurses shall be as prescribed in § 14.1601. The opening of the health record will be deferred until such time as the nurse is ordered to report for active duty.

§ 14.11404 *Physical examinations.* (a) Upon reporting for active duty, Naval Reserve nurses are examined to determine their physical qualifications for performance of such duty. The report of such examination is submitted to the Bureau of Medicine and Surgery on form NavMed Y in duplicate. A health record is prepared at this time for each nurse who may be found physically qualified for the performance of active duty, and is kept in the same manner as prescribed by the Manual of the Medical Department for nurses of the Regular Navy.

(b) Naval Reserve nurses are examined physically upon release to inactive duty as similarly provided for other members of the Naval Reserve. Entry of this examination is made in the health record, following which the health record is forwarded to the Bureau of Medicine and Surgery.

(c) (1) Each Naval Reserve nurse shall be examined physically at least once every 4 years or oftener as may be deemed necessary. *Provided,* That a Naval Reserve nurse who is found not physically qualified for active duty upon examination by the Bureau of Medicine and Surgery, may be honorably discharged from the service.

(2) For the purpose of the quadrennial physical examination, the Bureau of Medicine and Surgery notifies the nurse concerning such physical examination. Where practicable, the examination shall be conducted by a medical officer of the Regular Navy or of the Naval Reserve. However, since travel for the purpose of such examination may not be made at Government expense, and in order to avoid undue inconvenience to the nurse concerned, when the services of a medical officer of the Regular Navy or of the Naval Reserve are not reasonably obtainable, the examination may be conducted by a medical officer of the Regular Army or of the Army Reserve, a medical officer of the United States Public Health Service or of the Veterans' Administration, or, in the special cases, by a reputable physician. The report of such examination shall be made on NavMed Form Y and forwarded to the Bureau of Medicine and Surgery in duplicate.

§ 14.11405 *Assignment to active duty.* (a) In time of peace, Naval Reserve nurses may not be assigned to active duty or training duty except with their own consent.

(b) In time of war or national emergency, Naval Reserve nurses may be assigned active duty as provided for members of the Volunteer Reserve.

Pay and Allowances

§ 14.11501 *Active duty pay and allowances.* While serving on active duty with pay, Naval Reserve nurses are entitled to the same pay and allowances, including quarters and subsistence, to which nurses of the same length of service of the Regular Navy are entitled.

§ 14.11502 *Travel under orders.* Naval Reserve nurses while traveling under orders, shall be entitled to the same privileges and travel allowance as are provided for nurses of the Regular Navy.

§ 14.11503 *Uniform allowances.* Naval Reserve nurses assigned to active duty upon reporting for such duty, are provided with the same articles of uniform as are similarly prescribed for issue to nurses of the Regular Navy.

§ 14.11504 *Medical treatment and benefits for injury.* Naval Reserve nurses who have been physically injured in the line of duty while performing active military or naval service or die as the result of such injury, shall be entitled to the benefits provided in such case for other members of the Naval Reserve.

§ 14.11505 *Medical treatment and hospitalization for sickness and disease.* Naval Reserve nurses shall be entitled to the same privilege of medical and hospital treatment for sickness and disease contracted in the line of duty while performing active duty or training duty, as are prescribed for other members of the Naval Reserve.

Discharges

§ 14.11601 *Discharge in time of peace.* In time of peace, Naval Reserve nurses may be discharged with the approval of the Secretary of the Navy for the following reasons:

- (a) At own request (for sufficient cause or reason)
- (b) For change of marital status (marriage)
- (c) For failure to keep the Bureau of Medicine and Surgery informed of their official residences.
- (d) Failure to reply to communications.
- (e) Failure to pass prescribed physical examination.
- (f) Upon reaching 50 years of age.
- (g) For other full and sufficient cause in the discretion of the Secretary of the Navy.

§ 14.11602 *Discharge for inaptitude.* Having reported for active duty, Naval Reserve nurses are observed as to character, professional ability, and general aptitude for the service. When in the opinion of the commanding officer, a Naval Reserve nurse does not meet the requirements of the service, he is required to report to the Surgeon General of the Navy, who may recommend the discharge of the nurse by reason of inaptitude, or take such other action as he may deem necessary.

SUBPART I—WOMEN'S RESERVE

Purpose

§ 14.12101 *Purpose.* The purpose of the Women's Reserve, which has been

established by law as a branch of the Naval Reserve, is to expedite the war effort by releasing officers and men for duty at sea and their replacement by women in the shore establishment of the Navy within the American area and the Territories of Hawaii and Alaska.

Composition, Organization, and Administration

§ 14.12201 *Composition.* (a) The Women's Reserve shall be composed of Women Accepted for Volunteer Emergency Service and shall be referred to by the brief title "WAVES."

(b) Female citizens of the United States, who accept appointment or who enlist in the Naval Reserve, shall obligate themselves to serve in the shore establishment of the Navy within the continental United States for the duration of the present war and for 6 months thereafter, unless sooner discharged. They may be assigned to duty outside the continental United States within the American area and the Territories of Hawaii and Alaska only upon their prior request.

(c) The Women's Reserve shall be composed of women trained and qualified for duty in the shore establishment of the Navy to release male officers and men of the Naval Service for other assignments including combat duty. They may be commissioned in ranks not above captain and enlisted in such appropriate ratings, corresponding to those of the Regular Navy, as may be prescribed by the Secretary of the Navy.

§ 14.12202 *Administration.* The Women's Reserve shall be administered by the Chief of Naval Personnel, who may order to duty in the Bureau of Naval Personnel an officer of the Women's Reserve as director and such other officers as may be required as assistants to the director. Assistant directors may be ordered as required in the shore establishment of the Navy within the continental United States in each naval district and river command.

§ 14.12203 *Subject to laws, regulations, and orders governing the Naval Reserve.* The Women's Reserve is administered as an integral part of the Naval Reserve under existing provisions of Navy regulations and official Navy instructions, except where inappropriate and modified herein or by the "Policies for the Administration of the Women's Reserve," NavPers 15085, Change No. 1.

§ 14.12204 *Authority of members of the Women's Reserve.* Military authority of members of the Women's Reserve may be exercised over women in the Women's Reserve only; however, administrative authority will be comparable to that established for the Regular Navy.

§ 14.12205 *Compensations for disability or death in line of duty; dependent allowances, etc.* Members of the Women's Reserve, and their dependents, shall be entitled to all allowances and benefits provided by law for male officers and enlisted men of the Navy with dependents; provided, the husbands of such members shall not be considered as dependents, and the children of such members shall not be considered dependents unless

their fathers are dead, or, they are in fact dependent on their mothers for their chief support.

§ 14.12206 *Uniforms and equipment.* (a) Uniform allowances shall be paid to officers of the Women's Reserve in the same manner and in the same amounts as authorized for male officers of the Naval Reserve.

(b) The Secretary of the Navy will fix the money value of the articles of uniform and equipment which enlisted members of the Women's Reserve are required to have upon their first reporting for active duty and will authorize such articles of uniform and equipment, or parts thereof, to be issued in kind, or, in lieu thereof, payment in cash of the money value fixed in accordance with the foregoing, not to exceed \$200, will be made to enlisted members so ordered to active duty, for the purchase of such articles of uniform and equipment.

(c) Enlisted personnel of the Women's Reserve will be entitled to a special quarterly maintenance allowance for clothing currently prescribed by the Presidential Executive orders, payable on the first day of each quarter commencing with the first day of the quarter following the first anniversary of the date on which they first reported for active duty.

Procurement

§ 14.12301 *Ranks, grades, ratings, and classes.* (a) Commissioned officers of the Women's Reserve shall be appointed to serve during the pleasure of the President. There shall be allowed not more than one officer in the grade of captain.

Women officers are classed as special service officers and their classification shall be W followed by the appropriate classification designator.

(b) Qualified women are eligible for appointment as warrant officers in the appropriate grades according to the same standards currently established for male personnel.

(c) The enlisted personnel of the Women's Reserve shall be assigned appropriate ratings corresponding to those of the Regular Navy as are prescribed by the Chief of Naval Personnel. Minors may be enlisted only with the consent of the parent or guardian.

(d) The class designations for enlisted personnel shall be as follows:

(1) Class V9: Women enlisted as apprentice seamen for training preliminary to appointment as midshipmen, United States Naval Reserve, and further training for commission in the United States Naval Reserve.

(2) Class V10: Women enlisted for service in the Naval Establishment ashore.

(e) The quotas of officers and enlisted personnel to be procured shall be prescribed by the Chief of Naval Personnel.

§ 14.12302 *Duties.* (a) Members of the Women's Reserve shall not be assigned to duty on board vessels of the Navy or in aircraft while such aircraft are engaged in combat missions, and shall not be assigned to duty outside the American area and the Territories of Hawaii and Alaska, and may be assigned to duty outside the continental United States only upon their prior request.

(b) Officers and enlisted personnel will be trained for various duties as may be prescribed by the Chief of Naval Personnel.

(c) The members of the Women's Reserve shall not be used to replace civil-service personnel employed in the Naval Establishment.

§ 14.12303 *Qualifications for appointment.* (a) For appointment as an officer, the applicant must be a citizen of the United States or its insular possessions, not less than 20 years of age. The upper age limit will be prescribed by the Chief of Naval Personnel from time to time.

(b) Candidates must possess a baccalaureate degree from an accredited university or college, or in lieu thereof, must have completed successfully 2 years' work in an accredited university or college normally leading to a degree, and in addition, have not less than 2 years' professional or business experience. Additional detailed instructions for appointment in the Women's Reserve will be as prescribed, from time to time, by the Chief of Naval Personnel.

(c) Applicants must be of good moral character and be able to pass such physical examinations as may be prescribed by the Bureau of Medicine and Surgery.

§ 14.12304 *Appointment in staff corps.* In addition to the foregoing, women who meet the qualifications prescribed may be appointed to commissioned grades in the Medical Corps, Dental Corps, Supply Corps, Civil Engineer Corps, and Hospital Corps.

§ 14.12305 *Qualifications for enlistment.* (a) For enlistment an applicant must be a citizen of the United States or its insular possessions, not less than 20 years of age. The upper age limit will be as prescribed by the Chief of Naval Personnel from time to time.

(b) Applicants must have completed successfully 2 years of high school or business school. Additional detailed qualifications for enlistment in the Women's Reserve will be promulgated by the Chief of Naval Personnel from time to time.

(c) Applicants must be of good moral character and be able to pass such physical examination as may be prescribed by the Bureau of Medicine and Surgery.

PART 15—MARINE CORPS RESERVE

Sec.

15.1 Brief history of the Marine Corps Reserve.

15.2 Organization.

15.3 Reserve activities.

AUTHORITY: §§ 15.1 to 15.3, inclusive, issued under Naval Reserve Act of 1938 (ch. 690, 52 Stat. 1175, as amended; 34 U. S. C. 853, 853a-1).

§ 15.1 *Brief history of the Marine Corps Reserve—*(a) *Creation and authority.* The Marine Corps Reserve was first created by the Act of August 16, 1916. At that time it was composed of 3 officers and 33 enlisted. At the close of World War I it consisted of 276 officers and 5,968 enlisted. After the War it degenerated into merely a list of stale addresses with no organization plan.

On July 1, 1925 the act of February 28, 1925 authorized the creation, organiza-

tion and maintenance of a Marine Corps Reserve with pay for those who drilled once a week and attended 15 days active training duty annually. But no funds were provided for armories. Space for some units was obtained in old barracks at navy yards and State Militia armories; other units were compelled to use whatever room they could find, provided it involved no expense to the Government. In 1931, for reasons of economy, Congress discontinued drill and administrative pay for units of the Reserve. It was expected that as a result, members would become dissatisfied and lose interest, but many remained in the Reserve purely for the "love of the game," continuing drills at no expense to the Government; and it was during this time that some of the best units developed. The 401st Company, as an example, grew from a Battalion to a Regiment to a Brigade.

On July 1, 1934, drill pay, administrative duty pay, and appropriate duty pay were again authorized. But the appropriations provided funds for only 75 percent of the total men for drills and 70 percent of the total men for training duty.

In 1935 the Marine Corps Reserve was authorized a strength of 485 officers and 6,500 enlisted men in an Organized Reserve and an additional 2,155 officers and 16,050 enlisted men in a Volunteer Reserve.

When called into active service in November 1940, the Organized Reserve consisted of 23 battalions with a strength of 239 officers and 6,192 enlisted, and 13 aviation squadrons with 92 officers and 670 enlisted. About 85 percent of these men answered the summons. A few officers and about 1,200 enlisted were disqualified physically or because of dependents, but many of these came into the service voluntarily after Pearl Harbor.

The strength of the Reserve grew, until on August 6, 1945, when the atomic bomb fell on Hiroshima, there were some 30,074 commissioned and 307,340 enlisted reserve personnel on active duty in the Marine Corps, of a total Marine Corps (reserve and regular) strength of 480,988.

The formation of the Marine Corps Women's Reserve was announced on February 13, 1943. Eighteen months later Women Reserves constituted 85 percent of the enlisted personnel at Headquarters Marine Corps and one-half to two-thirds of the permanent personnel at all large Marine Corps posts and stations in this country. When Japan surrendered, there were 331 officers and 17,714 enlisted women on active duty in the Marine Corps Women's Reserve.

Utilizing lessons learned in the past, the Marine Corps today offers a complete Reserve Training Program, with more opportunities than ever before for veterans to add to their military proficiency and for men without service experience to obtain military training with and under the guidance of Marine Veterans—in either the Organized or Volunteer Reserve.

§ 15.2 *Organization*—(a) *Description of the Marine Corps Reserve*. There are three (3) components of the Marine

Corps Reserve: The Fleet Marine Corps Reserve, The Organized Reserve, and The Volunteer Reserve, including the Women's Reserve.

(1) *The Fleet Marine Corps Reserve*. The Fleet Marine Corps Reserve is composed of former regulars who have transferred to this Reserve component after having served in the regular service for the required number of years.

(2) *The Organized Reserve*. The Organized Reserve, authorized approximately 2,800 officers and 36,000 enlisted personnel, is made up of units which meet regularly for training. Ground units are under the supervision of the Director, Division of Reserve, through Directors, Marine Corps Reserve Districts. Training of twenty-four (24) fighter squadrons and eight (8) Ground Control Intercept Squadrons is supervised by the Director, Division of Aviation, through the Commander, Marine Air Reserve Training.

The actual strength attained in the Organized Ground Units as of August 1, 1947 was 673 officers and 5,349 enlisted personnel.

The actual strength attained in the Organized Aviation Units as of August 11, 1947 was 1,332 officers and 3,911 enlisted personnel.

Ground units are given a 2-hour weekly period of instruction and drill, as well as a 15-day training period once yearly. Aviation Units are given two two-hour drill periods on alternate Saturdays, but not to exceed four drill periods per month. These Aviation units do not hold their drill periods weekly as do the Ground units. This is done in order to share the facilities of the Naval Air Stations with similar units of the Naval Air Reserve. Each unit is commanded by a Reserve Officer.

The Ground units of the Organized Reserve are commanded by a Reserve Officer who is assisted by an Inspector-Instructor and his staff from the Regular Service.

The Aviation units of the Organized Reserve are commanded by a Reserve Officer who is under the direction of the Commanding Officer of the Regular Marine Air Detachment at the Naval Air Station where the Reserve units are located.

(3) *The Volunteer Reserve*. The Volunteer Reserve (inactive) which may attain a strength of 25,000 officers and 70,000 enlisted personnel, comprises individuals who wish to affiliate with the Marine Corps Reserve, but do not fall into any of the other Reserve categories. This group does not participate in any required training, but selected members, within quotas, may be offered active duty training for periods of 15 to 90 days. Correspondence courses from Marine Corps Schools will be open to the officers and enlisted men in the first three pay grades. Members of the Volunteer Reserve (inactive) may form Volunteer Training Units for special group instruction and periods of field training if they so wish.

(i) *Volunteer Training Units*. Members of the Volunteer Reserve who desire military training, but are unable to join the Organized Reserve, may form

Volunteer Training Units to train in the furtherance of their military proficiency.

Any group of ten or more members of the Reserve (commissioned or enlisted, male or female) may form a unit for training in a specific field as Communications, Public Information, Artillery, Infantry, etc., or for training as a staff, by forwarding a request for such permission to the Commandant of the Marine Corps.

A minimum of eight (8) training periods a year is required to maintain official recognition of the unit by Headquarters Marine Corps. Reports of attendance are made a part of the official record of each individual reservist.

(ii) *The Women's Reserve*. In December 1946, authority was granted to re-enlist former Women Reservists in the Volunteer Reserve (Inactive). Shortly thereafter several Volunteer Training Units were organized in various cities throughout the country. The main purpose of these units is to provide an opportunity for Women Reservists who so desire, to continue their interest in the Marine Corps and to maintain and further their knowledge of the Corps.

During the session of Congress just ended (July 1947) the Senate passed a bill which would authorize women to enlist in the regular establishments of the Armed Forces. This legislation is awaiting action by the House of Representatives. Enactment in its present form will also authorize enlistment of women in the Organized Component of the Marine Corps Reserve and will continue authority for their enlistment in the Volunteer Reserve (Inactive). Organized Reserve Units for women will be similar to those currently authorized for male members of the Reserve with the exception that there will be no active duty in summer encampments or active duty for training.

(iii) *Reserve Policy Board*. A Marine Corps Reserve Policy Board composed largely of reserve officers is convened yearly to advise the Secretary of the Navy on matters pertaining to the Marine Corps Reserve.

(iv) *Commanding officers of Reservists*. The Director of each Marine Corps Reserve District is the commanding officer of all Class I, III, IV, V and VI Reservists assigned to that respective District. The commanding officer of Class II reservists is the commanding officer of the Organized Marine Corps Reserve company, battery, squadron or battalion to which the reservists are assigned.

(b) *The classes of the Marine Corps Reserve*—(1) *Class I, Fleet Marine Corps Reserve*.

I (a)—Not in use at present.

I (b)—Enlisted men who were serving in the regular Marine Corps or Navy on July 1, 1925 who have completed 16 or more years of active naval service.

I (c)—Enlisted men who were serving in the regular Marine Corps or Navy on July 1, 1925, who have completed 20 or more years of active naval service.

I (d) and I (d) 1—Enlisted men who first enlisted in the regular Marine Corps or Navy after July 1, 1925, or who, having been discharged prior to that date did not reenlist within three months from date of discharge, having completed 20 or more years of active Federal service.

(2) *Class II, Organized Marine Corps Reserve.*

II (a)—Officers who are members of a unit of the Organized Reserve.

II (b)—Enlisted members of a unit of the Organized Reserve.

(3) *Class III, Volunteer Marine Corps Reserve.*

III (a)—General duty male officers not assigned to Class II.

III (b)—Trained General duty enlisted men not assigned to Class I or II.

III (c)—Untrained General duty enlisted men not assigned to Class II.

III (d)—Enlisted men selected for training as officer candidates.

(4) *Class IV Not in use at present.*

(5) *Class V Specialist Volunteer Marine Corps Reserve.*

V (a)—Male officers qualified for specialist duty only.

V (b)—Enlisted men qualified for specialist duty only.

(6) *Class VI, Volunteer Marine Corps Women's Reserve.*

VI (a)—Officers of the Women's Reserve, and enlisted women selected for officer training.

VI (b)—Enlisted members of the Women's Reserve, except officer candidates.

(c) *Definition of sources of Reserve Officer procurement as of August 1947* Under currently authorized officer procurement programs, the Marine Corps is commissioning officers in the Marine Corps Reserve from the following sources:

(1) *Platoon Leaders Program.* Members of the Platoon Leaders Program are enlisted from regularly enrolled undergraduate college students, who in certain selected accredited colleges and universities, are pursuing a course of instruction other than one leading to a medical, dental, or theological degree. During the academic year these students are not required to take military training or enroll in any military subjects in college. They are required to attend either one (1) or two (2) six-week periods of summer military training, depending upon the amount of previous military service the student has had. While attending summer training, students receive pay at the rate of \$90.00 per month for the first and \$100.00 per month for the second summer period. In addition, they are quartered, subsisted, clothed and furnished medical attention and transportation from and to their homes. After completing successfully the required period of summer military training, and after graduation from college with a baccalaureate degree, they will be commissioned as Second Lieutenants in the regular or reserve Marine Corps, dependent upon the individual desires and qualifications of the man concerned and the vacancies existing in the regular establishment of the Marine Corps.

During the Spring of each year, Marine officers visit selected accredited colleges and universities throughout the United States for the purpose of interviewing interested students and enlisting those who are qualified. Detailed information concerning the qualifications which an applicant must meet may

be ascertained from Marine Corps Organized Reserve Units, Directors of Marine Corps Reserve Districts, Recruiting Stations, and Marine Officer Instructors assigned to the Naval ROTC program.

(2) *NROTC program.* In the NROTC program there are two (2) types of students:

(i) Regular students have their tuition, fees, and textbooks paid for by the Government, are uniformed at Government expense, and receive retainer pay at the rate of \$600.00 a year. In return for these benefits they obligate themselves to attend three (3) cruises or summer training periods of from six (6) to eight (8) weeks, to accept a commission as an Ensign, U. S. Navy, or Second Lieutenant, U. S. Marine Corps, and to serve a minimum of fifteen (15) months of active duty after being commissioned. NROTC students are required to take twenty-four (24) academic credit hours in Naval Science courses and a few other specified courses, but aside from these requirements, they may follow any curriculum they desire: *Provided*, That it leads to a baccalaureate degree.

(ii) Contract students are enrolled in NROTC under the provisions of prewar legislation. They are uniformed at Government expense and during their junior and senior years are paid one commuted ration per day while under instruction. They obligate themselves to complete the prescribed Naval Science curriculum, to make one (1) summer cruise of approximately three (3) weeks' duration, and to accept appointment as Ensign, U. S. Naval Reserve, or Second Lieutenant, U. S. Marine Corps Reserve, if offered. However, if they so desire and if their services are required, they may be commissioned in the Regular Navy or Marine Corps.

The appropriate application forms for the NROTC program may be secured from high school principals, college deans, offices of Naval Officer Procurement, and Professors of Naval Science at NROTC colleges throughout the country.

(3) *Former meritorious noncommissioned officers and officer trainees.* Former meritorious noncommissioned officers and officer trainees of the Marine Corps or the Marine Corps Reserve who were separated or who voluntarily withdrew from officer training while in good standing may be commissioned in the Marine Corps Reserve provided they are less than twenty-seven (27) years of age on July 1 of the calendar year in which appointed, provided they have received a baccalaureate degree, and provided they are otherwise qualified.

The appropriate application forms for this program may be obtained from Headquarters Marine Corps upon request.

(4) *Former officers of the armed services.* Former officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, their Reserve components, and the National Guard may be appointed or reappointed, as appropriate, in the Marine Corps Reserve, generally in the rank held at the time of separation. However, no appointments are

tendered in a rank above Major, except upon the recommendation of a selection board.

The appropriate application forms for this program may be obtained from Headquarters Marine Corps upon request.

(5) *Officer specialists.* Particularly qualified personnel who possess the educational and professional qualifications desired for officer specialists may be commissioned in the Marine Corps Reserve in one of the following functional fields: Administrative and clerical; Aviation; Band; Communications; Engineering; Food; Infantry; Intelligence; Motor Transport; Ordnance; Paymaster; Photographic; Postal; Public Information; Quartermaster; Security and Guard; Special Services; Training Aids; and Correspondence School. It is noted that a baccalaureate degree or other specific educational requirement is not a prerequisite for commission as a specialist.

(6) *Application forms.* The appropriate application forms for this program may be obtained from Headquarters Marine Corps, Washington, D. C., upon request.

(7) *Qualifications.* It should be borne in mind that all applicants for appointment to commissioned rank in the Marine Corps Reserve must be found physically qualified in all respects for such appointment and must demonstrate, to the satisfaction of the Secretary of the Navy, that they are mentally, morally, and professionally qualified. All officers of the Marine Corps Reserve commissioned under the above-described officer procurement programs are immediately assigned to an inactive status upon acceptance of appointment. At present, no officers of the Marine Corps Reserve are being assigned to active duty on any permanent basis. However, certain particularly qualified Reserve officers may be assigned to continuous active duty. These continuous active duty billets are announced and applications are requested therefor by specific announcements in the Marine Corps Reserve Bulletin and circulars addressed to Reserve activities.

(d) *Enlisted procurement—(1) Qualifications.* Veterans of the armed forces who served on active duty subsequent to September 16, 1940, who are at least 17 years of age, and whose length of previous active Federal service plus all inactive service in the Marine Corps Reserve deducted from their actual age equals 32 or less, and men without prior service who are between 17 and 32, may be enlisted in the Marine Corps Reserve if otherwise qualified. Veterans of the Army, Navy, Coast Guard, National Guard and Reserve components thereof must hold an honorable discharge; veterans of the Marine Corps and Marine Corps Reserve must hold either an honorable or an under honorable conditions (general) discharge. No applicant is acceptable who was last separated from the armed forces with an undesirable, inaptitude or unsuitability discharge or for disability.

(2) *Specialists.* Men who possess special qualifications, but who do not meet the age and/or physical qualifications for general duty, may be enlisted as "spe-

cialists" and assigned to the Volunteer Reserve on specific approval of Headquarters Marine Corps in each case. Rank on such enlistment will be private first class, or, if a veteran who held higher rank, he may be given rank as determined by Headquarters Marine Corps, not above that held on last discharge.

(3) *Rank.* Men enlisted and assigned to the Organized Reserve may be reappointed on enlistment up to the rank or corresponding rank held on last discharge. The rank to which so appointed is contingent upon vacancies within the unit which they desire to join.

Men assigned upon enlistment to the Volunteer Reserve (other than specialists) may be appointed on enlistment as follows:

Former marines—to the rank held on last discharge, or to private first class if last discharged as a private.

All other veterans—to private first class.

Non-veterans—no increased rank.

(4) *Transfer and discharge.* A man assigned on enlistment to the Volunteer Reserve may, at any time during his enlistment, be transferred to the Organized Reserve at his own request, if acceptable to the commanding officer of the Organized Unit which he desires to join. Similarly, a member of the Organized Reserve may be transferred to the Volunteer Reserve. A member of either component may be discharged in time of peace at his own request.

(e) *Principal advantages of membership in the Marine Corps Reserve.*—(1) *Advancement.*—(i) *Officers.* Promotion of Reserve officers is in a state of suspension pending study and readjustment of the present seniority list, with a view to elimination of inequities created during the war. It is contemplated that as soon as it can properly be done, promotion of Reserve officers will be resumed, based primarily on a time-in-grade system for captains and below and a "running-mate" system for majors and above. This latter system would advance a qualified Reserve officer when his "running-mate" in the regular Marine Corps of the same grade and length of service in grade is advanced. The time-in-grade requirements will be generally similar to those established for the regular Marine Corps. All promotions will be subject to physical, mental, moral and professional qualifications. Professional qualifications have not been finally established, but it may be safely assumed that officers will be exempt from professional examination for promotion to the next grade above that in which at least six months' service on active duty prior to the termination of the state of National Emergency connected with World War II has been performed satisfactorily.

(ii) *Enlisted.* The promotion policy for enlisted reservists of the Marine Corps will provide, for all reservists, the same service in grade and professional examination requirements as apply to the Regular Service. Attendance at active duty is also a prerequisite for all reservists and the Organized Reservist must, in addition, attend 80 percent of prescribed drills. However, where rec-

ommended by the Commanding Officer and the Inspector-Instructor or Commanding Officer, Marine Air Detachment, as appropriate, the District Director or Commander Marine Air Reserve Training, as appropriate, may waive requirements for service in grade, active duty training, or both. It is also intended to furnish Volunteer Reservists free of charge, "The Guidebook for Marines," revised as of October 1, 1947, for home study material until correspondence courses are developed.

Qualified enlisted personnel of the Reserve will have opportunity to attain commissioned rank by meeting requirements of meritorious non-commissioned officers, and by applying for admission to the Naval Academy under the Naval Reserve Quota.

(2) *Longevity.* Members of the Reserve will accumulate years of Reserve service which count toward additional pay when on active duty.

(3) *Pay.* Members of the Organized Reserve will receive a full day's base pay for each weekly period of instruction and full pay and allowances for fifteen day annual training periods.

(4) *Retention of rank.* Members of the Reserve in the Volunteer component will retain the rank they held on discharge from the Marine Corps. A member of the Organized Reserve may join an organized unit with rank or equivalent rank up to that held on discharge (within organizational limits).

(5) *Education.* A member of the Organized Reserve will be entitled to free enrollment in any of over 160 correspondence courses offered by the Marine Corps Institute. A member of Organized Reserve Aviation Units will receive training in electricity, radio, tower operation and airplane maintenance. A member of the Volunteer or Organized Reserve (Aviation or Ground) will have an opportunity to increase knowledge of military and naval science, sharing in the development and latest doctrine of the Marine Corps, as a means of qualifying for promotion.

(6) *Maintenance of contact with the Marine Corps.* A member of the Reserve will receive the Marine Corps "Reserve Bulletin," a monthly publication from Headquarters, Marine Corps. In the event of a national emergency, members will be assured of service with the Marine Corps, instead of other branches of the armed forces, and will commence such service with rank held in the Reserve.

(f) *Obligations.* Members of the Marine Corps Reserve are obligated to active service only in the event of war or national emergency.

Enlistments in the Reserve are for two, three, or four years. A reservist may be discharged from the Reserve at his own request.

Members of the Organized Reserve are required to attend approximately forty-eight (48) instruction periods and a two (2) week period of active duty training each year.

Members of the Reserve are under Federal control and may be mobilized only upon order of the President of the United States.

(g) *Places of enlistment.* (1) Regularly established recruiting offices; (2) Posts and stations of the Marine Corps; (3) Offices of Marine officers on the staffs of NROTC units; (4) Offices of Units or the Inspector-Instructors of the Organized Marine Corps Reserve; (5) Offices of Reserve officers (inactive) who volunteer and are appointed recruiting officers with authority to enlist former Marines and assign them to the Volunteer Marine Corps Reserve.

(h) *Information for employers of members of the Marine Corps Reserve.*—

(1) *Obligations of members of Organized Reserve Units.* (i) Attend weekly two-hour drill period at home armory of unit. This training will not interfere with normal employment of the individual Reservists.

(ii) Attend annual fifteen-day summer training period.

(2) *Obligations of members of the Volunteer Marine Corps Reserve.* Volunteer Reservists do not attend weekly drills and are not required to attend annual summer training periods. Depending on availability of funds for training, Volunteer Reservists may request and be assigned to active duty training for fifteen-day periods.

(3) *Programs adopted by employers.* In recognition of the needs of this nation for adequate Reserve forces as a vital adjunct to national security, many employers have announced programs which they have adopted to sponsor employee membership in the Marine Corps Reserve. These programs basically involve the following points:

(i) Granting to employees who are members of Organized components of the Marine Corps Reserve, military leave not in excess of fifteen (15) days per year, without compromising normal vacations, in order that individuals may attend annual summer training.

(ii) Military leave does not affect the individual employee's seniority rights.

(iii) Establishment of a wage adjustment policy whereby the company reimburses individual employees for the difference, if any, between the remuneration received from the Federal Government during the annual fifteen-day summer training and that which he would have received from the company, had he been regularly employed for the same period.

(4) *Income tax of employer.* The Commissioner of Internal Revenue has held that money so expended by a company is deductible from their gross income as compensation to employee.

(5) *Compensation.* The following table indicates the compensation received by officers and enlisted men serving in the Marine Corps Reserve. It is important to note that the figure given is the monthly base pay and that the annual training duty is for only fifteen (15) days and that officers and men will receive but one-half ($\frac{1}{2}$) of that figure. For personnel of Aviation units in the capacity of pilots performing aerial flights duly prescribed as a part of their training, the pay for drill and for summer training shall be increased by fifty (50) per centum.

Officers

	Monthly Pay ¹	1 Drill Pay ²
Second lieutenant-----	\$180.00	\$6.00
First lieutenant-----	200.00	6.67
Captain-----	230.00	7.67
Major-----	275.00	9.17
Lieutenant colonel-----	320.83	10.00
Colonel-----	366.67	10.00
Brigadier general-----	550.00	10.00
Major general-----	733.33	10.00

Enlisted

	Monthly Pay ¹	1 Drill Pay ²
Private-----	\$75.00	\$2.50
Private first class-----	80.00	2.67
Corporal-----	90.00	3.00
Sergeant-----	100.00	3.33
Staff sergeant-----	115.00	3.83
Technical sergeant-----	135.00	4.50
Master sergeant-----	165.00	5.50

¹ Does not include an additional 5% for each three (3) years of service.

² Longevity credit is not given when computing drill pay.

§ 15.3 Reserve activities—(a) Marine Corps Reserve Districts within the continental limits of the United States.

Director, First Marine Corps Reserve District, 495 Summer Street, Boston 10, Mass. Tel.. Liberty 3857, Ext. 276.

Director, Third Marine Corps Reserve District, Room 1412, Federal Office Building, 90 Church Street, New York 7, N. Y. Tel.. Rector 2-9100, Ext. 774.

Director, Fourth Marine Corps Reserve District, Room 816, City Centre Building, 121 North Broad Street, Philadelphia 7, Pa. Tel.. RI 6-5735, 5736, 5737.

Director, Fifth Marine Corps Reserve District, 901 Sixteenth Street, NW., Washington 6, D. C. Tel.. RE 7400, Ext. 5871, 61477.

Director, Sixth Marine Corps Reserve District, 449 West Peachtree Street, NE., Atlanta, Ga.

Director, Eighth Marine Corps Reserve District, 305 Customhouse Building, 423 Canal Street, New Orleans 16, La. Tel.. Magnolia 4451, Ext. 345, 314.

Director, Ninth Marine Corps Reserve District, U. S. Court of Appeals Building, Room 311, 1212 North Lakeshore Drive, Chicago, Ill. Tel.. Delaware 1070, Ext. 68; Superior 3891.

Director, Eleventh Marine Corps Reserve District, Naval and Marine Corps Reserve Armory, 850 Lilac Terrace, Los Angeles 12, Calif. Tel.. Madison 6-2343.

Director, Twelfth Marine Corps Reserve District, 100 Harrison Street, Room 550, San Francisco, Calif. Tel.. Garfield 2030, Ext. 409, 419.

Director, Thirteenth Marine Corps Reserve District, Building No. 22, Navy-Marine Corps Reserve Armory, 860 Terry Avenue North, Seattle, Wash. Tel.. Elliott 6969, Ext. 5 and 8.

(b) Marine Corps Reserve Districts outside the continental limits of the United States.

Director, Tenth Marine Corps Reserve District, MB, NAS, San Juan, Puerto Rico. (MB, NAS, Navy No. 116, FPO, NY, NY).

Director, Fourteenth Marine Corps Reserve District, MB, USNB, Navy No. 128, FPO, San Francisco, Calif.

Director, Fifteenth Marine Corps Reserve District, MB, NOB, Navy No. 121, FPO, New York, N. Y.

(c) Units of the Organized Marine Corps Reserve (non-aviation) as of August 20, 1947

First Infantry Battalion, USMCR, Naval Reserve Armory, Fort Schuyler, New York 61, N. Y.

"C" Company, First Infantry Battalion, USMCR, Building D-15, Block 62, Naval Supply Depot, Bayonne, N. J.

"D" Company, First Infantry Battalion, USMCR, Building No. 31, Naval Ammunition Depot, Lake Denmark, Dover, N. J.

Second Infantry Battalion, USMCR, 495 Summer Street, Boston 10, Mass.

"D" Company, Second Infantry Battalion, USMCR, Acushnet Avenue School, Springfield, Mass.

Third Infantry Battalion, USMCR, Naval Reserve Armory, Foot of Ferry Street, St. Louis, Mo.

"C" Company, Third Infantry Battalion, USMCR, Marine Corps Recruiting Station, U. S. Post Office Building, Springfield, Mo.

Fourth Infantry Battalion, USMCR, Naval Air Station, Minneapolis, Minn.

"C" Company, Fourth Infantry Battalion, USMCR, Room 116, Post Office Building, Rockford, Ill.

Fifth Infantry Battalion, USMCR, 230 "C" Street NW., Washington 1, D. C.

"B" Company, Fifth Infantry Battalion, USMCR, Room 311, Post Office Building, Lynchburg, Va.

"C" Company, Fifth Infantry Battalion, USMCR, Silver Spring Intermediary School, Philadelphia and Chicago Avenues, Silver Spring, Md.

"D" Company, Fifth Infantry Battalion, USMCR, Room 6, 111 Union Street, Cumberland, Md.

Sixth Infantry Battalion, USMCR, Marine Barracks No. 2, U. S. Naval Base, Philadelphia 12, Pa.

"B" Company, Sixth Infantry Battalion, USMCR, Naval Reserve Armory, Reading, Pa.

"D" Company, Sixth Infantry Battalion, USMCR, Room 318, Third floor, Post Office Building, Altoona, Pa.

Seventh Infantry Battalion, USMCR, Cleveland Grays' Armory, 1234 Bolivar Road, Cleveland 15, Ohio.

"C" Company, Seventh Infantry Battalion, USMCR, Building No. 72, Fort Hays, Columbus, Ohio.

Eighth Infantry Battalion, USMCR, Naval Armory, Bayview Park, Toledo, Ohio.

Ninth Infantry Battalion, USMCR, 94 Streeter Drive, Chicago 11, Ill.

Tenth Infantry Battalion, USMCR, Naval Air Station, New Orleans, La.

"C" Company, Tenth Infantry Battalion, USMCR. To be relocated in National Guard Armory, Shreveport, La.

Eleventh Infantry Battalion, USMCR, Navy-Marine Corps Armory, 860 Terry Avenue North, Seattle 9, Wash.

"B" Company, Eleventh Infantry Battalion, USMCR, Navy-Marine Corps Reserve Armory, Port of Gray's Harbor, Aberdeen, Wash.

"C" Company, Eleventh Infantry Battalion, USMCR, Navy-Marine Corps Reserve Armory, U. S. Naval Station, Eleventh and Alexander Avenue, Tacoma, Wash.

"D" Company, Eleventh Infantry Battalion, USMCR, Navy-Marine Corps Reserve Armory, 5101 North Assembly Street, Spokane, Wash.

Twelfth Infantry Battalion, USMCR, Hangar No. 2, Treasure Island, San Francisco, Calif.

"B" Company, Twelfth Infantry Battalion, USMCR, U. S. Marine Corps Recruiting Station, Post Office Building, Fresno, Calif.

Thirteenth Infantry Battalion, USMCR, Navy-Marine Corps Reserve Armory, 850 Lilac Terrace, Los Angeles 12, Calif.

"D" Company, Thirteenth Infantry Battalion, USMCR, Marine Barracks, U. S. Naval Base, Pearl Harbor, Territory of Hawaii.

Fourteenth Infantry Battalion, USMCR, City Auditorium, 700 Texas Avenue, Houston, Tex.

Fifteenth Infantry Battalion, USMCR, Old Appraisers' Store Building, Twenty-first Street and Avenue A, Galveston, Tex.

Sixteenth Infantry Battalion, USMCR, Naval Armory, Thirtieth Street at White River, Indianapolis, Ind.

"C" Company, Sixteenth Infantry Battalion, USMCR, U. S. Post Office Building, Evansville, Ind.

Seventeenth Infantry Battalion, USMCR, Naval Armory, 7600 East Jefferson Street, Detroit 14, Mich.

Eighteenth Infantry Battalion, USMCR, U. S. Naval Facilities, Omaha, Nebr.

Nineteenth Infantry Battalion, USMCR, New York State Naval Militia Armory, Fifty-second and First Avenue, Brooklyn, N. Y.

"B" Company, Nineteenth Infantry Battalion, USMCR, New York State Naval Militia Armory, Rochester, N. Y.

"C" Company, Nineteenth Infantry Battalion, USMCR, New York State Naval Militia Armory, New Rochelle, N. Y.

Twentieth Infantry Battalion, USMCR, Room 326, Federal Building, Oklahoma City, Okla.

"A" and "B" Companies, Twentieth Infantry Battalion, USMCR, Room 232, Post Office Building, Tulsa, Okla.

First 105-mm. Howitzer Battalion, USMCR, east end of Fourth Street, Richmond 24, Va.

Second 105-mm. Howitzer Battalion, USMCR, Navy-Marine Corps Reserve Armory, 850 Lilac Terrace, Los Angeles 12, Calif.

Third 105-mm. Howitzer Battalion, USMCR, Marine Corps Reserve Armory, Rome, Ga.

"B" Battery, Third 105-mm. Howitzer Battalion, Marine Corps Reserve Armory, Post Office Box 275, Augusta, Ga.

"C" Battery, Third 105-mm. Howitzer Battalion, USMCR, Naval Air Station, Atlanta, Ga.

Fourth 105-mm. Howitzer Battalion, USMCR, U. S. Naval-Marine Corps Reserve Activity, Swan Island, Portland, Oreg.

"C" Battery, Fourth 105-mm. Howitzer Battalion, USMCR, Building T-514, Salem Municipal Airport, Salem, Oreg.

Fifth 105-mm. Howitzer Battalion, USMCR, Marine Corps Reserve Armory, Twenty-second and Oak Streets, Kansas City, Mo.

First 155-mm. Howitzer Battalion, USMCR, Marine Barracks, U. S. Naval Base, Philadelphia 12, Pa.

Second 155-mm. Howitzer Battalion, USMCR, Building No. 11, Naval Air Station, Dallas, Tex.

Third 155-mm. Howitzer Battalion, USMCR, Room 501, Post Office Building, Providence 3, R. I.

Fourth 155-mm. Howitzer Battalion, USMCR, Service Bay No. 1, Air Modification Plant, Birmingham, Ala.

Eleventh Engineer Battalion, USMCR, Fort McHenry, Baltimore 30, Md.

Eleventh Tank Battalion, USMCR, Marine Corps Base, San Diego 40, Calif.

Eleventh Amphibian Tractor Battalion, USMCR, Annex 3, U. S. Naval Amphibious Base, Little Creek, Va.

Twelfth Amphibian Tractor Battalion, USMCR, Treasure Island, San Francisco, Calif.

Twelfth Signal Company, USMCR, U. S. Naval Reserve Armory, Fifth Avenue and Oakland Estuary, Oakland, Calif.

Thirteenth Signal Company, USMCR, Marine Barracks, U. S. Naval Base, Philadelphia, Pa.

Fourteenth Signal Company, USMCR, Building No. 62, Naval Air Station, Floyd Bennett Field, Brooklyn, N. Y.

Fourteenth Engineer Company, USMCR, U. S. Marine Corps Recruiting Station, Cabell County Court House, Huntington 1, W. Va.

Fifteenth Engineer Company, USMCR, Old Post Office Building, Washington and Liberty Streets, Lynn, Mass.

Sixteenth Engineer Company, USMCR, City Market Auditorium, Roanoke, Va.

Seventeenth Engineer Company, USMCR, U. S. Naval-Marine Corps Reserve Activity, Swan Island, Portland, Oreg.

Eighteenth Engineer Company, USMCR, 404 Commercial Street, Portland, Maine.

Nineteenth Engineer Company, USMCR, Building No. 131, U. S. Naval Submarine Base, New London, Conn.

Twentieth Engineer Company, USMCR, Naval Ordnance Plant, South Charleston, W. Va.

(d) *Organized Marine Corps Reserve (Air) Units as of August 22, 1947*

VMPF 112, MAD, NAS, Dallas, Tex.
 VMPF 121, MAD, NAS, Glenview, Ill.
 VMPF 123, MAD, NAS, Los Alamitos, Calif.
 VMPF 124, MAD, NAS, Memphis, Tenn.
 VMPF 132, MAD, NAS, New York, N. Y.
 VMPF 141, MAD, NAS, Oakland, Calif.
 VMPF 142, MAD, NAS, Miami, Fla.
 VMPF 143, MAD, NAS, New Orleans, La.
 VMPF 144, MAD, NAS, Jacksonville, Fla.
 VMPF 213, MAD, NAS, Minneapolis, Minn.
 VMPF 215, MAD, NAS, Olathe, Kans.
 VMPF 216, MAD, NAS, Seattle, Wash.
 VMPF 217, MAD, NAS, Squantum, Mass.
 VMPF 221, MAD, NAS, St. Louis, Mo.
 VMPF 233, MAD, NAS, Norfolk, Va.
 VMPF 234, MAD, NAS, Minneapolis, Minn.
 VMPF 235, MAD, NAS, Squantum, Mass.
 VMPF 236, MAD, NAS, Denver, Colo.
 VMPF 241, MAD, NAS, Los Alamitos, Calif.
 VMPF 244, MAD, NAS, Columbus, Ohio.
 VMPF 251, MAD, NAS, Grosse Ile, Mich.
 VMPF 321, MAD, NAS, Anacostia, D. C.
 VMPF 351, MAD, NAS, Atlanta, Ga.
 VMPF 451, MAD, NAS, Willow Grove, Pa.
 MGCIS 15, MAD, NAS, Atlanta, Ga.
 MGCIS 16, MAD, NAS, Minneapolis, Minn.
 MGCIS 17, MAD, NAS, Willow Grove, Pa.
 MGCIS 18, MAD, NAS, Los Alamitos, Calif.
 MGCIS 19, MAD, NAS, Grosse Ile, Mich.
 MGCIS 20, MAD, NAS, Dallas, Tex.
 MGCIS 21, MAD, NAS, Squantum, Mass.
 MGCIS 22, MAD, NAS, Glenview, Ill.

PART 16—FAMILY ALLOWANCES TO SERVICEMEN

Sec.

16.1 Statutory authority.

16.2 Regulations of the War and Navy Departments.

16.3 Regulations of the Navy Department.

16.4 Applications.

AUTHORITY: §§ 16.1 to 16.4, inclusive, issued under sec. 111, 56 Stat. 384; 37 U. S. C., Sup., 211.

§ 16.1 *Statutory authority.* (a) The Servicemen's Dependents Allowance Act of 1942, as amended (56 Stat. 381 as amended; 37 U. S. C., Sup., 201-221) provides family allowances for the dependents of enlisted men of the Army, Navy and Marine Corps. Dependents are divided into three classes known as Class A, Class B and Class B-1 dependents. Class A dependents include wives, children, and divorced wives. Children of WAVES are entitled to Class A family allowance benefits if they are in fact dependent on the WAVE for their chief support. Class B dependents include parents, brothers, and sisters who are found to be dependent upon the enlisted person for a substantial portion of their support, and Class B-1 dependents include parents, brothers, and sisters who are found to be dependent upon the enlisted person for the chief portion of their support.

(b) The Act provides that the determination of all facts, including the fact of dependency, which it shall be necessary to determine in the administration of such Act, shall be made by the Secretary of the Department concerned and such determination shall be final and conclusive for all purposes and shall not be subject to review in any court or by

any accounting officer of the Government. The Act further authorizes the Secretaries of the Departments concerned to prescribe jointly or severally such regulations as they deem necessary to enable them to carry out the provisions of the Act and to delegate any of their functions under the Act.

§ 16.2 *Regulations of the War and Navy Departments.* Pursuant to the authority in § 16.1, the Secretary of War and the Secretary of the Navy issued on December 21, 1943, joint regulations under the Servicemen's Dependents Allowance Act of 1942, which are as follows:

NOTE: These regulations are also codified as Part 300 of Title 10.

(a) Payments of all family allowances shall be for periods of full calendar months.

(b) To insure expeditious payment of the initial family allowance:

(1) Payment shall be made on the basis of the statements of the enlisted man in the application, filed within the prescribed period, and to or on behalf of eligible dependents designated therein; and

(2) Eligibility for initial family allowance will be deemed to have existed on and from the date of entry into active service if the application indicates eligibility on the date of application.

Erroneous statements or misrepresentations in applications for initial family allowances may, as determined by the Secretary of the department concerned, be the basis for recovery by charge against the pay of the applicant, or otherwise, and for disciplinary action.

(3) When an initial family allowance is paid to any dependent for the month of an enlisted man's entry into active service in a pay status, no regular monthly family allowance shall be paid to any dependent of such enlisted man for that month. When no initial family allowance is paid, the period of entitlement and payment of the regular monthly family allowance shall begin as herein-after prescribed.

(d) Except as otherwise provided, the period of entitlement to and payment of regular monthly family allowances, including any increases therein, shall begin as of the first day of the calendar month in which a required written application (or a notice of change in a case of increase) is filed, or the first day of the calendar month in which a dependent is acquired, whichever is later, but in no case earlier than the month of entry of the enlisted man into active service in a pay status. In case of Class B or Class B-1 dependents the period of entitlement and payment may begin as of the first day of any subsequent calendar month that the enlisted man requests.

(e) Any increase in a regular monthly family allowance in effect to a wife, or wife and children, incident to the birth of a child or additional child, shall be effective as of the first day of the calendar month during which the birth occurs notwithstanding that notice or evidence thereof is received in a subsequent month.

(f) Except as otherwise provided, the period of payment of monthly family allowance shall terminate, or payment

shall be decreased, as of the end of the calendar month during which any notice is received by the disbursing officer paying the allowance of a change which terminates or limits the entitlement of the dependent or dependents to such allowance. Entitlement to family allowance shall terminate or be modified at the end of the month in which such change occurs. Checks to which there is no entitlement may be permanently withheld.

(g) Insofar as practicable the period of entitlement and payment of any Class B or Class B-1 regular monthly family allowance requested in writing by the enlisted man to be discontinued, other than by reason of change in status of dependents, shall terminate as of the end of the calendar month requested by the enlisted man or the end of the calendar month during which such request is received by the disbursing officer paying the allowance, and in no case later than the end of the next succeeding calendar month.

(h) For the purpose of determining amounts of family allowance to be paid:

(1) In cases in which no family allowance has been granted to a wife or divorced wife, the amount of family allowance payable to children shall be the amount specified in the statute where there is no wife or divorced wife;

(2) In cases in which no family allowance has been granted to a parent, the amount of family allowance payable to brothers and sisters shall be the amount specified in the statute where there is no parent;

(3) All children of an enlisted man shall be considered one family entity irrespective of differences in their custody, residence, or parentage;

(4) Parents of an enlisted man, and all his brothers and sisters irrespective of differences in their custody, residence, or parentage, shall be considered one family entity.

(5) The total amount of monthly family allowance payable to or for the benefit, respectively, of two or more children, of two parents, or of two or more brothers and sisters, shall be equally divided among the respective children, parents, or brothers and sisters or shall be otherwise apportioned and paid within the respective groups as the Secretary of the department concerned may direct.

(i) Whenever a court order or decree or written agreement of separation provides a single sum for alimony to a divorced wife or maintenance for a wife and also for the support of a child or children, the proportional share of the wife or divorced wife in such sum shall, for the purpose of carrying out the provisions of section 106 (c) of the Act (56 Stat. 382, as amended, 37 U. S. C., Sup., 206), be deemed to be sixty per centum thereof in the case on one child and forty per centum thereof in any case of two or more children. Regardless of any limit stated in a court order or decree or written agreement the full statutory amount of family allowance shall be payable to or on behalf of any child or children.

(j) Application of section 106 (c) (1) (56 Stat. 382, as amended, 37 U. S. C., Sup., 206), shall be made in those cases in which there is a lawful wife living sep-

arate and apart from the enlisted man and there is also a court order or decree or a written agreement which expressly or impliedly provides for the beginning or continuance of such living separate and apart. In construing a court order or decree or written agreement full consideration shall be given to all the facts and circumstances under which the order, decree or agreement is issued or made. A penal order for marital support or an order in a desertion case is not within this statutory limitation; in such cases the full allowance for a wife is payable.

(k) The payment of any amounts of a family allowance uncollected at the time of death of a dependent shall be made to such payee or payees, including the enlisted man when appropriate, as the Secretary of the department concerned shall deem equitable, subject to the provisions of section 115 of the Act (56 Stat. 385; 37 U. S. C., Sup., 214)

(l) The Secretary of the department concerned may at any time require additional evidence in any family allowance case. Failure to furnish such evidence within a reasonable time after request or any insufficiency of evidence shall constitute good cause for the discontinuance or modification of such family allowance.

(m) These Joint Regulations are effective November 1, 1943; they rescind and supersede the Joint Regulations approved July 19, 1943.

§ 16.3 *Regulations of the Navy Department.* The Secretary of the Navy approved certain regulations dated September 14, 1944, with respect to payments to dependents of servicemen involved in cases of desertion or imprisonment pursuant to sentence of general court-martial, which regulations are as follows:

In accordance with subsections (a) and (b) of section 110 of the Servicemen's Dependents Allowance Act of 1942, approved June 23, 1942, as amended effective November 1, 1943 (56 Stat. 384, as amended; 37 U. S. C., Sup., 210), the following regulations are prescribed in connection with entitlement and payment of family allowance to dependents of enlisted men in cases involving absence without or over leave, desertion, and imprisonment. These regulations supersede the prior regulations prescribed on this subject entitled, "Regulations for Administration of the Servicemen's Dependents Allowance Act of 1942 Involving Cases of Desertion or Imprisonment Pursuant to Sentence of General Court Martial," approved October 20, 1942, and amended May 29, 1943.

(a) Neither the enlisted man nor his dependents are authorized to apply for family allowance when any of the following conditions exist:

(1) An enlisted man is absent over or without leave from naval jurisdiction for a period in excess of 30 days and/or is declared a deserter, except when such absence is a result of detention or delivery to civil authorities, in which case see paragraph (b) of this section.

(2) The enlisted man is confined as a result of a general court-martial sentence (pursuant to section 622, Naval Courts and Boards)

An application which is filed when any of such conditions exist will not be effective for any purpose under the Act. Entitlement shall be predicated only on the basis of an application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction after absence or has returned to duty after confinement. This application will be effective, even though the man is being held for trial on account of his absence or, on release from confinement, is returned to duty on probation. Entitlement shall begin as of the first day of the calendar month in which the application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(b) If an enlisted man is absent from Naval jurisdiction for a period in excess of 30 days, having been detained or delivered to the custody of civil authorities, an application filed by either the enlisted man or his dependents will be held in suspense pending the outcome of action by the civil authorities. If the action results in an acquittal, or a nolle pros is entered on the record, entitlement to family allowance will be considered to have arisen as of the first day of the calendar month in which the application was filed even though such application was filed during the period of detention except that, in case of Class "B" or "B-1" dependents, if so requested by the man, entitlement will be considered to have arisen as of any subsequent calendar month designated. If the action results in a conviction the application will not be effective for any purposes under the Act. In such a case when a man returns to naval jurisdiction he or his dependents (in Class "A" cases) may then apply for family allowance, and entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(c) When family allowance has already been authorized, the period of entitlement shall terminate as of the end of the second month following the month that any of the following events occur:

(1) An enlisted man is absent over or without leave from naval jurisdiction for a period in excess of 30 days and/or is declared a deserter (in both of which instances the computation is made on the basis of the first day of unauthorized absence) except when such absence is a result of detention or delivery to civil authorities, in which case, see paragraph (e) of this section.

(2) An enlisted man is confined as a result of a general court-martial (pursuant to section 622, Naval Courts and Boards)

In such cases, the period of payment shall terminate after payment for the month prior to the month in which notice of the change in status of the enlisted man is received by the disbursing officer paying family allowance, if possible; otherwise, it shall terminate after payment for the month in which notice of the change in status is received; how-

ever, in no event shall the period of payment terminate prior to the termination of entitlement. In appropriate cases recovery may be made of payments to which there has been no entitlement.

(d) In those cases in which the entitlement to family allowance has been terminated on account of any of the reasons set forth in paragraph (c) of this section, entitlement shall begin anew only on the basis of a new application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction or has been returned to duty. Such application will be effective even though the man is being held for trial on account of his absence or, on release from confinement is returned to duty on probation. Entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(e) Where family allowance has already been authorized on account of an enlisted man who is thereafter absent from naval jurisdiction for a period in excess of 30 days, having been detained by or delivered to civil authorities, the period of entitlement will terminate as of the end of the second calendar month following the month in which the change of status of the man occurs. The period of payment shall terminate after payment for the month prior to the month in which notice of the change in status of the enlisted man is received by the disbursing officer paying family allowance, if possible; otherwise, it shall terminate after payment for the month in which notice of the change in status is received; however, in no event shall the period of payment terminate prior to the termination of entitlement. In appropriate cases recovery may be made of payments to which there has been no entitlement. If the action by the civil authorities leads to acquittal, or a nolle pros is entered upon the record, family allowance will be reinstated effective with the first day of the calendar month following the month of termination without necessity for new application. If action by the civil authorities results in a conviction, entitlement may begin anew only on the basis of a new application filed by the enlisted man (or by his dependents in Class "A" cases) after the man has returned to naval jurisdiction and entitlement shall begin as of the first day of the calendar month in which such application is filed. In the case of Class "B" or "B-1" dependents, a subsequent calendar month in which the allowance is to begin may be designated by the man if he so desires.

(1) The Secretary of the Navy has delegated the authority and responsibility for carrying out the provisions of the Act to the Director of the Dependents Welfare Division, Bureau of Naval Personnel, with respect to personnel of the Navy and to the Officer-in-Charge, Casualty Division, Personnel Department, Marine Corps, with respect to personnel of the Marine Corps.

(i) Cognizance of all matters relating to the actual payment of (as distin-

gushed from entitlement to) allowances is vested in the Bureau of Supplies and Accounts with respect to personnel of the Navy and in the Quartermaster General, Disbursing Branch, Marine Corps, with respect to personnel of the Marine Corps. Inquiries concerning payment should be addressed to Field Branch, Bureau of Supplies and Accounts, Family Allowance Division, Cleveland, Ohio, or Quartermaster General, Marine Corps, Washington, D. C., as the case may be.

§ 16.4 *Applications.* (a) Applications for benefits under the Servicemen's Dependents Allowance Act may be made by or on behalf of any Class A dependent by written request directed to the Dependents' Welfare Division, Bureau of Naval Personnel, Navy Department, Washington 25, D. C., in the case of personnel of the Navy and to the Officer-in-Charge, Casualty Division, Personnel Department of the Marine Corps, Washington 25, D. C., in the case of personnel of the Marine Corps. The application should state the full name of the serviceman for whose service benefits are being claimed, his rating and service number, if known, his date and place of birth, his date and place of enlistment, and his last known station of duty. A simple request for family allowance benefits, stating the names and relationship to the enlisted man of the dependents for whom benefits are claimed, should be made. No special form of request is required. Informal requests for family allowance benefits from Class A dependents should be accompanied by a certified copy of the public or church record of the marriage, a certified copy of the public or church record of the birth of children, and other essential documentary evidence.

(b) Applications for family allowance benefits on behalf of Class B and Class B-1 dependents may be made only by the serviceman and he must authorize the checkage of his pay which is required in connection therewith. Class B and Class B-1 dependents who desire family allowance benefits should, therefore, communicate directly with the enlisted personnel in this regard. The Secretary of the Navy, however, may authorize Class B and Class B-1 family allowance benefits in certain cases when circumstances prevent the enlisted person from making an application.

PART 17—DEATH GRATUITY

Sec.

- 17.1 Statutory authority.
- 17.2 Delegations.
- 17.3 Preparation, submission, and allowances of claims.

AUTHORITY: §§ 17.1 to 17.3, inclusive, issued under 41 Stat. 824, as amended, 54 Stat. 864, as amended, 55 Stat. 43, as amended; 34 U. S. C., and Sup., 943, 855c-1, 855c-2.

§ 17.1 *Statutory authority.* The Act of June 4, 1920, as amended (41 Stat. 824 as amended, 34 U. S. C. and Sup. 943) and the act of August 27, 1940 (54 Stat. 864; 34 U. S. C. and Sup. 855c-1) and the act of March 17, 1941 (55 Stat. 43 as amended; 34 U. S. C., Sup., 855c-2) provide for the payment to the widow, child, or dependent relative of a deceased officer, nurse, or enlisted man, who died of

wounds or disease not the result of his or her own misconduct, of an amount equal to six months pay at the date of his or her death, on date death is determined to have occurred under the Missing Persons Act (56 Stat. 143; 50 U. S. C., App., Sup., 1001-1003). (See Part 19 of this chapter.)

§ 17.2 *Delegations.* The Director of the Dependents Welfare Division of the Bureau of Naval Personnel certifies to the Bureau of Supplies and Accounts the person entitled under the Act to receive such gratuity. The Officer-in-Charge of Casualty Division, Personnel Department, Marine Corps, certifies to the Quartermaster General of the Marine Corps, Disbursing Branch, the person entitled to receive such gratuity.

§ 17.3 *Preparation, submission, and allowance of claims.* A claim form is ordinarily forwarded by the Bureau of Naval Personnel or by the Marine Corps to the person designated by the decedent as entitled to receive such gratuity. Information required is the name and address of the claimant, the full name of the decedent, the relationship of the claimant to the decedent, and a statement that payment of such gratuity has not already been received. In cases where the Act requires that the beneficiary be dependent upon the decedent at the time of death, proof of such dependency is also required. However, in doubtful cases, proof of relationship to the decedent may also be required.

PART 18—MUSTERING-OUT PAYMENTS TO MILITARY PERSONNEL IN THE UNITED STATES NAVY, MARINE CORPS, AND COAST GUARD

Sec.

- 18.1 Statutory provisions.
- 18.2 Definitions and determinations.
- 18.3 Payments to survivors.
- 18.4 Payments on behalf of persons discharged on account of mental disability.
- 18.5 Payments to veterans discharged or relieved from active service on or after February 15, 1944.
- 18.6 Payments to veterans discharged or relieved from active service prior to February 15, 1944.
- 18.7 Delegation of authority.
- 18.8 Payments to personnel in the Naval Aviation College Program.

AUTHORITY: §§ 18.1 to 18.8, inclusive, issued under sec. 5, 58 Stat. 10 as amended; 38 U. S. C., Sup., 691c.

§ 18.1 *Statutory provisions—(a) To whom payable.* Except as provided in paragraph (b) of this section, each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment.

(b) *To whom not payable.* No mustering-out payment shall be made to:

(1) Any member of the armed forces who, at the time of discharge or relief from active service, is receiving base pay at a higher rate than the base pay of the third period as prescribed in section 1 of the Pay Readjustment Act of 1942, as amended (56 Stat. 359, as amended; 37 U. S. C., Sup., 101),

(2) Any member of the armed forces who, at the time of discharge or relief from active service, is transferred to returned to the retired list with retirement pay or at a status in which he receives retirement pay;

(3) Any member of the armed forces for any active service performed prior to the date of his discharge or relief from active service on his own initiative to accept employment, or, in the case of any member so relieved from active service, for any active service performed prior to the date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska;

(4) Any member of the armed forces whose total period of service has been as a student detailed for training under (i) the Army specialized training program, (ii) the Army Air Forces college training program, or (iii) any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(5) Any enlisted man or member of the Women's Reserve of the Naval Reserve, Marine Corps Reserve or Coast Guard Reserve whose enlistment contract was terminated by cancellation or discharge while under the minimum statutory or administrative age limit by reason having falsely stated his/her age in his/her application for enlistment (59 Stat. 536; 34 U. S. C., Sup., 900a-900b)

(6) Any member of the armed forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy;

(7) Any member of the armed forces whose sole service has been as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said academies;

(8) Any commissioned officer unless he is discharged or relieved from active service within three years after the termination of the present war as proclaimed by the President;

(9) Any person entering upon active service, or enlisting, on or after July 1, 1947.

(c) *Rates and conditions.* (1) Mustering-out payment for persons eligible under paragraph (a) of this section shall be in sums as follows: (i) \$300 for persons who, having performed active service for sixty days or more, have served outside the continental limits of the United States or in Alaska; (ii) \$200 for persons who, having performed active service for sixty days or more, have served no part thereof outside the continental limits of the United States or in Alaska; (iii) \$100 for persons who have performed active service for less than sixty days.

(2) Each person eligible to receive mustering-out payment under paragraph

(c) (1) (i) of this section shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service or, at the option of the person so eligible, at the time

of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment; and the remaining amount of such payment shall be paid in two equal installments—one month and two months, respectively from the date of the original payment. Each person eligible to receive mustering-out payment under paragraph (c) (1) (ii) of this section shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment; and the remaining amount of such payment shall be paid one month from the date of the original payment. Each person eligible to receive mustering-out payment under paragraph (c) (1) (iii) of this section shall receive the stipulated amount at the time of such discharge or relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment. A person entitled to receive the first installment of the mustering-out payment at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment shall, at his election, receive the whole of such payment in one lump sum, rather than in installments.

(d) *Payments to personnel discharged or relieved from active service prior to February 15, 1944.* Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before the effective date of the Act of February 3, 1944, (58 Stat. 8; 38 U. S. C., Sup., 691 et seq.) shall, if application therefor is made within two years after the date of enactment of the Act of February 3, 1944, be paid such mustering-out payment by the Navy Department beginning within one month after application has been received and approved by such department: *Provided*, That no member of the armed forces shall receive mustering-out payment under the Act of February 3, 1944, more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service.

(e) *Payments to survivors.* If any member of the armed forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any, and if he shall leave no surviving spouse, then in equal shares to his child or children, if any, and if he shall leave no surviving spouse or child or children, then in equal shares to his surviving parents, if any. *Provided*, That no payments under the Act of February 3, 1944, shall be made to any other person.

(f) *Exemption from taxation and claims of creditors; issuance of regulations.* (1) Mustering-out payments due or to become due under the Act of February 3, 1944, shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

(2) The Secretary of the Navy shall make such regulations, not inconsistent with the act of February 3, 1944, as may be necessary, effectively, to carry out the provisions thereof, and the decisions of the Secretary of the Navy shall be final and not subject to review by any court or other Government official.

(3) The Secretary of the Navy, or such subordinate officer as he may designate, is authorized to make direct payment to survivors over seventeen years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the armed forces, or survivors thereof, as defined by § 18.1 (e) without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the Secretary or his designee, the interests of persons under seventeen years of age so justify, or where the former active member or his survivors is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this subparagraph shall constitute a complete discharge of the obligation of the United States as provided in the act of February 3, 1944, as amended; and the selection of a proper person or persons, as provided herein, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to § 18.1 (f) (2). *Provided*, That the provisions of this subparagraph shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments made hereunder prior to the receipt of notice of appointment.

(g) *Definitions.* (1) "Member of the armed forces" means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components.

(2) "Spouse" means a lawful wife or husband.

(3) "Child" includes (i) a legitimate child; (ii) a child legally adopted; and (iii) a stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

(4) "Parent" includes father and mother, stepfather and stepmother, and father and mother through adoption.

§ 18.2 *Definitions and determinations—(a) Service—(1) In general.* Service for which mustering-out payment may be made is based on active

service only. The time required for a physical examination and for necessary compliance with orders in reporting to active duty does not constitute active service for mustering-out payment purposes except in those cases that the individual concerned has subsequently reported for active duty as ordered.

(2) *Computation of length and nature of service.* For the purpose of computation of the performance of active service for sixty (60) days or more and the determination of active service outside the continental limits of the United States or in Alaska, service to be taken into consideration shall be limited to service performed within the period between December 7, 1941, and the date of the termination of the present war as may hereafter be proclaimed by the President or by Congress, both dates to be inclusive. Time spent in an inactive status prior to call to active duty may not be counted in computing the length of active service. However, time lost while in an active duty status is not deducted.

(3) *Service outside the continental limits of the United States.* Service outside the continental limits of the United States, regardless of the period of time, shall be constituted by (i) service afloat or in the air beyond the three mile limit, including that in a travel status; (ii) service performed in a United States territory or foreign country, including Canada and Mexico, including that performed while in a travel status; (iii) however, service performed beyond the three mile limit while in a travel status traveling from one part of a state to another part thereof for service therein shall not constitute active service outside the continental limits of the United States for the purpose of computing mustering-out payment.

(b) *Discharges and releases from active duty—(1) In general.* Entitlement to mustering-out payment is dependent upon a discharge for the purpose of effecting a permanent separation from the service or upon ultimate release from active duty on or after December 7, 1941, under honorable conditions.

(2) *Determination of permanent separation or ultimate release.* Whether or not a discharge effects a permanent separation or a release is ultimate is determinable as of the time of the separation and, unless the documents effecting the separation provide that such separation is for a specified temporary period, the separation will be considered as permanent, except that a prior separation, apparently permanent at the time of separation, will not be considered as having effected a permanent separation in the case of persons who have reentered upon active duty prior to making application for mustering-out payment.

(3) *Determination of "under honorable conditions."* The character of discharge or release from active duty determines whether or not a separation is "under honorable conditions." The following rules are applicable:

(i) In the case of officer personnel, all separations will be considered as being under honorable conditions except separations resulting from a dismissal by general court-martial or separations resulting from a resignation for the good

of the service and to escape trial by general court-martial. Separations resulting from a resignation "for the good of the service" but not to escape trial by general court-martial are deemed to be "under honorable conditions."

(ii) In the case of enlisted personnel all separations will be considered as having been under honorable conditions except those for which an unfavorable type of discharge was given. The unfavorable types of discharge issued on and subsequent to December 7, 1941, are:

(a) Navy: Discharges issued on: Forms NNav 63,¹ NNav 63-A,¹ NNav 63-B,¹ Naval Reserve Forms NNav 213¹ with character "undesirable," and NNav 214² Form BNP 662-- Forms NavPers 662,² NavPers 662a,² and NavPers 662b.² (b) Coast Guard: Discharges of a character of Undesirable, Bad Conduct, or Dishonorable; (c) Marine: Discharges of a character of Dishonorable (NAVMC 385 (b)-DP)-- Discharges of a character of Bad Conduct (NAVMC 385-DP)-- Discharges of a character of Undesirable (NAVMC 385 (a)-DP)-- and Discharges of a character of Undesirable--by reason of desertion (NAVMC 385 (c)-DP).²

(4) *Discharges or releases from active duty for specific purposes as affecting entitlement to mustering-out payment.* Although otherwise entitled, no mustering-out payment is payable where the discharge or release from active service is for any of the following purposes:

(i) Discharge to accept a commission, warrant or to enlist. Personnel discharged to accept a commission or warrant or to enlist in any of the armed forces as defined in § 18.1 (g) (1)

(ii) Discharge for the purpose of entering armed forces of allied nations. Personnel discharged at their own initiative for the purpose of enlisting or accepting commissions in the armed forces of allied nations, except where such personnel have served outside the continental limits of the United States or in Alaska.

(iii) Discharge for the purpose of entering maritime service. Personnel discharged on their own initiative for the purpose of enlisting in, accepting a commission, or accepting employment with the War Shipping Administration (United States Merchant Marine Service) except where such personnel have served outside the continental limits of the United States or in Alaska.

(iv) Discharge or release for the purpose of accepting employment. Personnel discharged or released to accept employment if such separation was on their own initiative, unless the member so separated has served outside the continental limits of the United States or in Alaska. In order to deny entitlement on the basis of this provision, the primary consideration influencing the granting of the request must be the element of employment. The fact that a request recites that the member has been offered specific employment or that the member will return to a business or profession in the event of separation will

not, of itself, preclude entitlement. Thus, a separation for dependency will not be considered a separation to accept employment unless the matter of dependency is subsidiary to the matter of accepting employment; likewise a separation for the convenience of the Government will not be considered a separation to accept employment where the separation is granted in accordance with a specific or general "plan of demobilization." A "plan of demobilization" is considered to be any policy under which separations are granted to members of a class or group who have been specifically or inferentially invited to submit requests for separations.

(v) Discharge or release while under the minimum statutory or administrative age limit by reason of having falsely stated age in application for enlistment. Any enlisted man or member of the Women's Reserve of the Naval Reserve, Marine Corps Reserve or Coast Guard Reserve whose enlistment contract was terminated by cancellation or discharge while under the minimum statutory or administrative age limit by reason of having falsely stated his/her age in his/her application for enlistment.

(c) *Members of the armed forces—(1) Definition.* Members of the armed forces include members of the Navy, Coast Guard, Marine Corps, their reserve components, including women's reserve components, and members of the Nurses Corps. Temporary members of the Coast Guard Reserve and members of the Coast Guard Auxiliary are not included unless performing full-time active duty with naval pay and allowances.

(2) *Eligibility.* If otherwise eligible, all members of the armed forces as above defined, including Naval Reserve Aviation officers, Class A-V (N) entitled to receive a lump-sum payment on release from active duty, are eligible to receive mustering-out payment except the following:

(i) Officers receiving base pay of the fourth period and above at time of discharge. An officer receiving base pay plus longevity equivalent to the base pay of the fourth pay period is not thereby precluded.

(ii) Commissioned officers discharged from active service more than three years after the termination of the present war.

(iii) Personnel transferred or returned to the retired list with retired pay and personnel transferred to Fleet Reserve or Fleet Marine Corps Reserve or members of such reserves returned to inactive duty with retainer pay. Personnel who either receive or are entitled to receive disability benefits for service-connected disabilities under laws administered by the Veterans' Administration are not precluded from receiving mustering-out payment if otherwise entitled thereto. Disability benefits compensating the recipient for specific physical disability are to be distinguished from retirement pay which certain persons receive or are entitled to receive by reason of retirement for physical disability.

(iv) Personnel whose only service has been as a midshipman at the Naval Academy or as a cadet at the Coast Guard Academy or in a preparatory

school after nomination as a principal, alternate or candidate for admission to such academy. Reserve midshipmen and cadets are not precluded under this provision, even though their courses of training may have been given at either of these academies.

(v) Personnel whose only service has been as a student under the college training program (Class V-12 Naval Reserve; Class III (d)-V-12 Marine Corps Reserve, while actually in college pursuing academic training). The transfer from a V-12 or III (d)-V-12 unit to a hospital as a patient and the change of duty occasioned thereby is not such additional service as will entitle a student to payment.

(vi) Personnel, Class V-5 Naval Reserve, whose only service has been in flight preparatory school and/or temporary duty under Tarmac instruction. The transfer from a flight preparatory school to a reclassification center and the change of duty occasioned thereby is not such additional service as will entitle a trainee to payment where, immediately after the transfer, the trainee exercises his option to be discharged. The transfer from a flight preparatory school to a hospital as a patient and the change of duty occasioned thereby is not such additional service as will entitle a student to payment.

(d) *Entitlement where more than one period of service involved.* The following rules are applicable with respect to entitlement where more than one period of active service is involved:

(1) A member of the armed forces who has received mustering-out payment in an amount less than \$300 as a result of the completion of one period of active service is entitled to receive additional mustering-out payment upon completion of a later period of active service, under conditions which authorize payment in an amount higher than that previously received, equal to the difference between his total entitlement for all periods of service less payments previously received, but in no event in a total amount greater than \$300.

(2) Mustering-out payments will not be made to persons in active service except as indicated in paragraph (d) (3) of this section.

(3) Where an initial installment is paid to a person discharged or relieved apparently for the purpose of effecting a permanent separation from the service or ultimate relief from active service, payment of additional installments due will be made even though the person concerned reenters active service prior to receipt of all installment payments to which he is entitled.

§ 18.3 *Payments to survivors—(a) General—(1) By whom made.* All mustering-out payments to survivors will be made by the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division) Cleveland 15, Ohio, in case of Navy and Coast Guard personnel or the Paymaster General of the Marine Corps, Washington 25, D. C., in the case of Marine Corps personnel.

(2) *Necessity for application.* No mustering-out payment shall be made to any survivor without an appropriate

¹ Filed with the Division of the Federal Register.

² Not filed with the Division of the Federal Register.

written application therefor. The application should be filed with the Bureau of Naval Personnel, Navy Department, Washington 25, D. C., Headquarters, Coast Guard, Washington 25, D. C., or Director of Personnel, Marine Corps, Washington 25, D. C., for the respective services.

(3) *Definition of "balance of amount due."* The words, "balance of amount due," contained in section 4 of the act of February 3, 1944, shall be construed to mean the full sum remaining unpaid to the veteran at the time of his death, and such sum shall be payable to a qualified survivor or survivors in a lump sum and not on an installment basis. For example, if a veteran entitled to a mustering-out payment of \$300 shall die after receipt of the initial installment of \$100, the sum of \$200 shall be payable immediately to the qualified survivor.

(4) *Payments to personal representatives not authorized.* No mustering-out payment shall be made to the executor, administrator, or other person representing the veteran or any survivor, except as provided in paragraph (a) (5) of this section.

(5) *To whom payable in cases of minority.* Where a survivor, otherwise entitled to mustering-out payment, is a minor, payment will be made in accordance with the following rules:

(i) Where a legal guardian has been judicially appointed and notice of such appointment has been received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where a survivor is seventeen years of age and over and no notice has been received that a legal guardian has been judicially appointed, payment will be made directly to the survivor.

(iii) Where a survivor is under seventeen years of age and no notice is received that a legal guardian has been judicially appointed, payment for the use and benefit of the survivor will be made to a person within the following classes: parent, adult brother, adult sister, other person who is determined, after appropriate investigation, to be qualified to act in the best interests of the survivor. Payment will be made in the order of precedence set forth unless it is considered that compliance therewith would not serve the best interests of the survivor.

(6) *To whom payable in cases of mental incompetency.* Where a survivor, otherwise entitled to mustering-out payment is prevented from receiving payment because of mental incompetency, payment will be made in accordance with the following rules:

(i) Where a legal guardian or committee of the survivor has been judicially appointed and notice of such appointment has been received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where no notice has been received that a legal guardian has been judicially appointed, payment for the use and benefit of the survivor will be made to a person within the following classes: spouse, parent, adult child, other person who is considered, after appropriate investigation, qualified to act in the best interests

of the survivor. Payment will be made in the order of precedence set forth herein unless compliance therewith would not serve the best interests of the survivor.

(7) *Evidence required for payment.* No payment will be made to a legally appointed guardian or committee of a survivor without submission of a certified copy of the instrument of appointment. Payments will not be made to a person selected under § 18.3 (a) (5) (iii) or § 18.3 (a) (6) (ii) without the submission of a written and signed agreement executed by the person selected to receive the payments for the use and benefit of the survivor containing a statement that the proceeds of payment will be used for the exclusive benefit of the survivor.

(8) *Method of payment.* All payments to survivors or to persons on their behalf will be made by checks. In the event that payments are made to a person other than the survivor, the check will be drawn to the order of (selected payee) and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (name of survivor) "

(b) *Payments to a spouse.* Mustering-out payment shall be made to the spouse of a deceased veteran who is otherwise entitled thereto or to the duly appointed guardian or committee of such spouse, only if such spouse: (1) shall have survived the veteran, and (2) shall have submitted an appropriate application therefor.

(c) *Payments to a child or children.* (1) Mustering-out payment shall be made to the child (or children) of a deceased veteran who is otherwise entitled thereto, or to the duly appointed guardian or committee of such child (or children) only if such child (or children) (i) Shall have survived the veteran; (ii) shall have submitted an appropriate application therefor; and (iii) the veteran shall not have been survived by a spouse.

(2) Where payments to two or more children are to be made, separate checks will be drawn in favor of each child, or the duly appointed guardian or committee of such child, if appropriate.

(d) *Payments to a parent or parents.* (1) Mustering-out payments shall be made to a parent (or parents) of a deceased veteran who is otherwise entitled thereto, or to the duly appointed guardian or committee of such parent (or parents) only if such parent (or parents) (i) Shall have survived the veteran; (ii) shall have submitted an appropriate application therefor; (iii) the veteran shall not have been survived by a spouse; and (iv) the veteran shall not have been survived by a child (or children)

(2) Where the circumstances are such that a mustering-out payment is properly payable to parents as a class, the following rules are applicable with respect to payment to persons within such class:

(i) The word "parents" as used in section 4 of the act of February 3, 1944, shall be construed to mean the sole surviving parent or the surviving parents of the deceased veteran.

(ii) Where the veteran has been adopted prior to his death, the adoptive parents only shall be considered as par-

ents within the meaning of section 4 of the act of February 3, 1944. Consequently, such adoptive parents only are entitled to receive the mustering-out payment and the natural parents are not entitled to receive payment even though they may be living.

(iii) Where the veteran is survived by his natural parents and there has been no adoption, each surviving natural parent is entitled to receive one-half of the total amount payable irrespective of his or her marital status.

(iv) Where the veteran is survived by one of his natural parents and there has been no adoption, such surviving natural parent is entitled to receive the entire amount payable irrespective of his or her marital status and irrespective of the survivorship of possible step-parents.

(v) Where a veteran is not survived by either of his natural parents but is survived by a step-parent or step-parents, the surviving step-parent or step-parents are entitled to receive the mustering-out payment in equal shares.

(vi) Persons who stood in loco parentis to the deceased veteran are not entitled to receive mustering-out payment.

(vii) Where payments to two parents are to be made, separate checks will be drawn in favor of each parent, or the guardian or committee of such parent, if appropriate.

§ 18.4 *Payments on behalf of persons discharged on account of mental disability—(a) By whom made.* Mustering-out payments on behalf of persons discharged on account of mental disability will be made only by the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division), Cleveland 15, Ohio, in case of Navy and Coast Guard personnel, or Paymaster General of the Marine Corps, Washington 25, D. C., in case of Marine Corps personnel.

(b) *To whom payable.* Mustering-out payments on behalf of personnel discharged on account of mental disability will be made in accordance with the following rules:

(1) Where a legal guardian or committee of the veteran has been judicially appointed and notice of such appointment is received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(2) Where no notice has been received that a legal guardian has been judicially appointed, payment may be made directly to the veteran if a written, dated, and signed statement by a registered physician is furnished to the effect that the veteran is, in the opinion of the examining physician, mentally capable to handle his own affairs. (The term "registered, practicing physician" includes staff physicians at Government hospitals.)

(3) Where no notice has been received that a legal guardian has been judicially appointed and where the veteran cannot receive payment directly under § 18.4 (b) (2) payment is authorized to be made in the following manner:

(i) Where the veteran is hospitalized in a Veterans' Administration facility, or is temporarily absent therefrom for convalescent purposes, payment for the use and benefit of the veteran will be

made to the manager of the facility unless after appropriate investigation it is determined that some other person is better qualified to act in the best interests of the veteran. If a facility manager applies for payment on behalf of a mentally disabled veteran under his jurisdiction but, prior to the receipt of any one of the checks covering complete payment, the veteran is discharged from the facility, checks received after the veteran's departure will be returned to the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division) Cleveland 15, Ohio, in the case of Naval and Coast Guard personnel or to the Paymaster General of the Marine Corps, Washington 25, D. C., in the case of Marine Corps personnel, accompanied by so much of the following information as is pertinent to the case of the individual concerned:

(a) A statement concerning the mental condition of the veteran at the time of discharge from the facility, i. e., whether considered mentally competent to handle his own affairs.

(b) The name and address of the person in whose custody the veteran was discharged from the facility.

(c) The address of the veteran if discharged into his own custody.

(ii) Where the veteran has been released to the custody of a person other than a manager of a Veterans' Administration facility, payment for the use and benefit of the veteran will be made to a person within the following classes: spouse, parent, adult child, other person who is considered, after appropriate investigation, qualified to act in the best interests of the veteran. Payment will be made in the order of precedence set forth herein unless compliance therewith would not serve in the best interest of the veteran.

(4) All payments will be made by checks. In the event that payment is to be made to a person other than the veteran, the check will be drawn to the order of (selected payee) and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (name of veteran)".

(c) *Evidence required for payment.* (1) No mustering-out payments shall be made to the persons named in § 18.4 (b) without:

(i) The discharge certificate, certificate in lieu of a lost discharge certificate, or statement of service issued in the name of the person on whose account payment is to be made, or in the case of commissioned personnel, the original orders of separation from active Naval service, and,

(ii) Where payment is to be made to the legally appointed guardian or committee of the veteran, a certified copy of the instrument of appointment.

(iii) Where payment is to be made to the discharged veteran, a physician's statement as prescribed in § 18.4 (b) (2)

(iv) Where payment is to be made under the provisions of § 18.4 (b) (3) a written and signed statement executed by the person selected to receive the payment for the use and benefit of the veteran containing a statement that the proceeds of the payment will be used for the exclusive benefit of the veteran. Ad-

ditional and/or substitute evidence is authorized and may be required in appropriate cases in the discretion of the Chief of Naval Personnel, Commandant of the Coast Guard, or Commandant of the Marine Corps, as appropriate.

(d) *Disposition of applications on behalf of mental incompetents.* Applications for mustering-out payments by or on behalf of mentally incompetent persons received by disbursing officers will be transmitted to the Bureau of Naval Personnel, Headquarters Coast Guard or Director of Personnel, Marine Corps, Washington 25, D. C., as appropriate, with a statement that no payment has been or will be made on account of the veteran named therein. Any additional available information applicable to the case will be attached to or included in the letter of transmittal and the applicant will be so advised of the transmittal.

§ 18.5 *Payments to veterans discharged or relieved from active service on or after February 15, 1944.*—(a) *General.*—(1) *A payment of initial installment.* Initial mustering-out payment will be made by separate check to eligible persons discharged or relieved from active service on or after February 15, 1944 by the disbursing officer closing the pay account of the individual discharged or released.

(2) *Payment of second and final installments.* Personnel of the Navy, Coast Guard and Marine Corps who are entitled thereto will be paid one or two additional One Hundred Dollar (\$100) payments, one month and two months respectively from the date of the original payment by the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division) Cleveland 15, Ohio, or by the Paymaster General of the Marine Corps, Washington 25, D. C.

(3) *Appropriation and allotment chargeable.* Mustering-out payments will be charged to the appropriation Pay, Subsistence and Transportation, Navy, subhead 11, Pay and Allowances, Coast Guard; or Pay, Marine Corps, as appropriate.

(4) *Entries on service records.*—(i) *By commanding officers.* (a) Men serving outside continental United States or in Alaska, including those serving on a vessel or aircraft: "Serving outside continental United States (or in Alaska) this date."

(b) In case of personnel who have served outside continental United States or in Alaska since December 7, 1941, but whose service records do not contain the entry prescribed in paragraph (a) (4)

(i) (a) of this section, commanding officers within the United States are authorized to make the following entry: "Has served outside continental United States or in Alaska."

(ii) *By disbursing officers.* (a) The disbursing officer on payment of initial One Hundred Dollar (\$100) mustering-out payment will endorse discharge certificate, or the original orders for release as follows, "Paid \$100 MOP (date)."

(b) If for any reason the initial mustering-out payment is not made to an officer, or to an enlisted man who received an "Honorable" or "Under Honorable Conditions" discharge certificate,

the officer's orders or the enlisted man's discharge certificate will be endorsed by the disbursing officer closing the pay account as follows: "No MOP paid." The disbursing officer will advise such person and, in the case of incompetent personnel, the institutions or custodian to whom such incompetent personnel are released, that applications for mustering-out payments may be made to Chief of Naval Personnel, Washington 25, D. C. in case of Naval personnel; Headquarters, Coast Guard, Washington 25, D. C. in case of Coast Guard personnel; and to the Director of the Personnel, Marine Corps, Washington 25, D. C. in case of Marine Corps personnel.

(b) *Payments to Navy and Coast Guard personnel.*—(1) *Commanding officer's certificate.* Commanding officer's certificate for mustering-out payment on NavSandA form 550¹ will be prepared in quadruplicate and delivered to the disbursing officer with the discharge certificate or original orders for release from active duty.

(2) *Payment by public voucher.* Payments will be expended daily on separate public vouchers (Forms 1034² and 1035³) for Navy and Coast Guard personnel, listing the names and file or service number and the amounts.

(3) *Disposition of NavSandA form 550.* After completion by the disbursing officer, the original NavSandA form 550 with one copy of the public voucher will be forwarded daily to the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division) Cleveland 15, Ohio; the duplicate will be attached to the original public voucher; the triplicate will be forwarded to the Bureau of Naval Personnel or to Headquarters, U. S. Coast Guard, as appropriate; and the quadruplicate retained in the files of the disbursing officer.

(c) *Payments to Marine Corps personnel.*—(1) *Commanding officer's certificate.* The commanding officer of the Marine detachment will prepare NavSandA form 550 in quadruplicate for enlisted personnel and submit to the disbursing officer with a statement of marine's account (NavMC form 90)⁴ in all cases.

(2) *Entry on final payment voucher.* The commanding officer preparing NavMC form 90 will credit \$100 opposite the caption "MOP" and enter under remarks "Credited MOP \$100." In case of officers, payment will be made on the final pay voucher on the basis of NavSandA form 550.

(3) *Disposition of NavSandA form 550.* After completion by the disbursing officer, the original and duplicate of NavSandA form 550 will be forwarded daily to the Director of Personnel, Marine Corps, by letter of transmittal numbered serially by fiscal years; the triplicate will be retained by the disbursing officer; and the quadruplicate delivered to the veteran.

(d) *Payment involving more than one period of service.* When the service records or other personnel data of personnel

¹ Filed with the Division of the Federal Register.

about to be discharged or released from active service indicate that such personnel have been discharged or released from prior periods of service in any branch of the armed services on or after December 7, 1941, the disbursing officer will, if the documents at hand clearly indicate entitlement to at least one payment, make such payment and by proper entry on NavSanda form 550 indicate that entitlement to the remaining payments depends upon service in more than one branch of the service (see § 18.2 (d)). If doubt as to entitlement exists the disbursing officer will make no payment and will follow the procedure set forth in paragraph (a) (4) (i) (b) of this section.

(e) *Back payments.* All payments to persons who are entitled thereto but who, for any reason, were not paid the \$100 mustering-out payment at time of discharge or release from active duty will be made only by the Field Branch, Bureau of Supplies and Accounts, and the Paymaster General of the Marine Corps, as appropriate.

(f) *Procedure with respect to veterans who become mentally incompetent.* (1) In cases in which, after receipt by the veteran of the initial payment, the second and/or third installments cannot be paid to him due to his mental incompetency, payment of the remaining installments due will be made in accordance with the following rules:

(i) Where legal guardian or committee of the veteran has been judicially appointed and notice of such appointment is received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where no notice has been received that a legal guardian has been judicially appointed, payment is authorized to be made in accordance with the manner set forth in § 18.4 (b) (3).

(iii) All payments will be made by checks. In the event that payment is to be made to a person other than the veteran, the check will be drawn to the order of the (selected payee) and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (name of veteran)".

(2) Application for the installments due may be filed on behalf of the veteran and must be submitted to the Bureau of Naval Personnel, Washington 25, D. C., Headquarters, Coast Guard, Washington, D. C., or Director of Personnel, Marine Corps, Washington, D. C., as appropriate. Application must be accompanied by the original discharge certificate or orders of release from active duty, and if applicable, a certified copy of the instrument appointing the guardian or committee. (See also § 18.4 with respect to payment on behalf of persons discharged on account of mental disability.)

§ 18.6 *Payments to veterans discharged or relieved from active service prior to February 15, 1944—*(a) *General.* Mustering-out payments to eligible persons who were discharged or relieved from active service under honorable conditions prior to February 15, 1944, will

be made only by the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division) Cleveland 15, Ohio, or the Paymaster General of the Marine Corps, Washington 25, D. C., in the case of Marine Corps personnel. Disbursing officers who receive applications for such payments will forward them to the Field Branch, Bureau of Supplies and Accounts (Mustering-Out Payment Division) Cleveland 15, Ohio, or to the Director of Personnel, Marine Corps, Washington 25, D. C., as appropriate.

(b) *Action by veteran—*(1) *Application required.* Veterans of the Navy, Coast Guard, or Marine Corps who were discharged or relieved from active service under honorable conditions on or after December 7, 1941, and prior to February 15, 1944, and who are otherwise eligible to receive mustering-out payment are required to submit an application therefor. Such application must be filed within two years after February 3, 1944; however, if the character of a veteran's separation is changed from one under other than honorable conditions to one under honorable conditions pursuant to the provisions of section 301 of the GI Bill of Rights Act of June 22, 1944 (sec. 301, 58 Stat. 286; 38 U. S. C., Sup. 693h) an application may be filed within two years after the date that the change is made.

(2) *Form of application.* Application, accompanied by the original discharge certificate or orders of release from active duty, may be made on the form prescribed by the Navy Department or any facsimile thereof, or by letter in which the veteran will state: (i) His name, file or service number and address; (ii) that he was not discharged or released from active service on his own initiative to accept employment or if so discharged, had served outside the continental limits of the United States or in Alaska on or after December 7, 1941, (iii) whether he had service outside the continental limits of the United States or in Alaska on or after December 7, 1941, (iv) that he is not now serving on active duty and (v) that he has not and will not make any other application for mustering-out payment.

(c) *Procedure with respect to mentally incompetent veterans.* (1) Payment on behalf of mentally incompetent veterans discharged or released from active service under honorable conditions on or after December 7, 1941, and prior to February 15, 1944, will be made in accordance with the following rules:

(i) Where a legal guardian or committee of the veteran has been appointed judicially and notice of such appointment is received prior to the issuance of payment, payment will be made only to the legal guardian, as such.

(ii) Where no notice has been received that a legal guardian has been judicially appointed, payment is authorized to be made in accordance with the manner set forth in § 18.4 (b) (3).

(iii) All payments will be made by checks. In the event that payment is

to be made to a person other than the veteran, the check will be drawn to the order of (selected payee), and shall include in the lower left hand corner under "Object" the phraseology "for the use and benefit of (name of veteran)".

(2) Application, containing the information indicated in § 18.6 (b), may be filed on behalf of the veteran and must be submitted to the Bureau of Naval Personnel, Washington 25, D. C., Headquarters, Coast Guard, Washington, D. C., or Director of Personnel, Marine Corps, Washington, D. C., as appropriate. The application must be accompanied by the original discharge certificate or orders of release from active duty and if applicable, a certified copy of the instrument appointing the guardian or committee. (See also § 18.4 with respect to payment on behalf of persons discharged on account of mental disability.)

§ 18.7 *Delegation of authority.* The authority vested in the Secretary of the Navy by section 5 (b) of the Act of February 3, 1944 (58 Stat. 10; 38 U. S. C., Sup., 691e) to make decisions thereunder is hereby delegated as follows:

(a) The Chief of Naval Personnel, the Commandant of the Marine Corps, the Commandant of the Coast Guard, or such officers as they shall designate, shall make all decisions, for their respective services, as to the relationship in cases pertaining to mustering-out payments to eligible survivors, legally appointed guardians or committees and other persons authorized to act in a fiduciary capacity who are entitled to receive mustering-out payment in lieu of or on behalf of a qualified veteran.

(b) The Chief of Naval Personnel, the Commandant of the Marine Corps, the Commandant of the Coast Guard or the Chief of the Bureau of Supplies and Accounts, or such other officers as they shall designate, shall make all other decisions necessary under the provisions of the act of February 3, 1944.

(c) The Chief of the Bureau of Personnel has authorized the Officer-in-Charge, Casualties and Allotment Section, Welfare Division, to make such determinations as the Chief of Naval Personnel is authorized to make under the Regulations. Payments, other than initial payments, are made by the Field Branch (Cleveland, Ohio) of the Bureau of Supplies and Accounts.

(d) The Commandant of the Marine Corps has authorized the Officer-in-Charge, Enlisted Performance, Marine Corps, to make such determinations as the Commandant of the Marine Corps is authorized to make under the Regulations. Payments are made by the Supply Department of the Marine Corps, Disbursing Branch.

§ 18.8 *Payments to personnel in the Naval Aviation College Program.* (a) If otherwise qualified, all servicemen in Class V-5 who have been discharged or released from active duty are eligible for mustering-out payment provided they have received training in one of the following: Civil Aeronautics Administration War Training Services; Pre-Flight;

Primary, Intermediate, Basic, Advanced, or Operational. In addition, Class V-5 trainees in college training program who have completed Selective Training or had additional service other than in Class V-5 are entitled to Mustering Out Payment.

(b) Aviation Cadets and other enlisted flight students (Student Aviation Pilots) who are discharged for the purpose of accepting appointments as Midshipmen U. S. N. (other than at the Naval Academy) if otherwise eligible are entitled to Mustering Out Payment.

(c) A Midshipman (other than at the Naval Academy) who is released or discharged or has his appointment terminated is entitled, if otherwise eligible, to receive Mustering Out Payment on the basis of his Midshipman service: *Provided*, That he has not previously received the maximum payment possible at the time of release for the purpose of accepting appointment to the regular Naval Establishment.

(d) A Midshipman (other than at the Naval Academy) who is appointed from civilian status is entitled, if otherwise eligible, to compute service as a Midshipman for purposes of Mustering Out Payment.

PART 19—MISSING PERSONS ACT

Sec.

19.1 General provisions.

19.2 Delegation of authority.

AUTHORITY: §§ 19.1 and 19.2, issued under sec. 9, 56 Stat. 145, as amended; 50 U. S. C. App. Sup., 1009.

§ 19.1 *General provisions.* (a) Under the provisions of the Missing Persons Act, Pub. Law 490, 77th Cong., as amended (56 Stat. 143, 50 U. S. C. App., Sup., 1001-1018) as amended by Pub. Law 408, 78th Cong. (58 Stat. 676; 50 U. S. C. App., Sup., 1001-1018) a finding of presumptive death is made by the Secretary of the Navy when a survey of all available sources of information indicates beyond doubt that the presumption of continuance of life has been overcome. When a finding of presumptive death is made, a man's pay accounts are closed as of the presumptive date of death, that is the day following the expiration of the 12 months' absence or a longer period when justified, and the various benefits, such as the six months' gratuity, become payable. A finding of presumptive death concerning an officer or enlisted man of the Navy means simply that as of the date thereof he is for the purposes of Naval administration no longer alive. It does not mean that death occurred on that or on any other certain date. For purposes other than Naval administration, the law does not make these findings binding or conclusive but commercial insurance companies have, almost without exception, accepted them as evidence of the fact of death and have paid insurance claims on the basis thereof.

(b) Findings of presumptive death are never made when the "missing" status has not continued for at least 12 months. Whenever, subsequent to the expiration of the 12th month, cumulative or other

evidence establishes beyond doubt that a "missing" person is no longer alive, a prompt finding of presumptive death will be made. Also, such a finding will be made whenever justified by the lapse of time beyond the 12 months' absence without specific information being received.

(c) Pub. Law 408, 78th Cong. (58 Stat. 679; 50 U. S. C., App., Sup., 1001-1018) amends Pub. Law 490, 77th Cong. (56 Stat. 143; 50 U. S. C., App., Sup., 1001-1018) to provide that the head of the department or such subordinate as he may designate, shall have authority to make all determinations necessary in the administration of the act and for the purposes of this act determinations so made shall be conclusive as to death or finding of death as to any other status dealt with by this act and as to any essential date including that upon which evidence or information is received in such department. Further, that when any information deemed to establish conclusively the death of any person is received action shall be taken thereon as an official report of death, notwithstanding any prior action relating to death or other status of such person. The determination of the head of the department concerned or of such subordinate as he may designate shall be conclusive as to whether information received concerning any person is to be construed and acted upon as an official report of death. Under the foregoing provisions a determination of death is made prior to the expiration of 12 months when the evidence received is considered to establish conclusively the fact of death and settlement of accounts is made to the date established as the date of receipt of evidence on which the fact of death is established.

§ 19.2 *Delegation of authority.* The Secretary of the Navy has delegated to the Director of the Dependent's Welfare Division, Bureau of Naval Personnel, authority to make all determinations as provided by Public Law 408, 78th Cong. (58 Stat. 676; 50 U. S. C., App., Sup., 1001-1018), and as necessary to administer the law, and further to prepare the necessary findings and recommendations where persons are presumed dead under the provisions of the basic Act, Public Law 490, 77th Cong. (56 Stat. 143; 50 U. S. C., App., Sup., 1001-1018)

PART 20—NAVAL COURTS AND CERTAIN FACT FINDING BODIES

Sec.

20.1 Delegation of authority in the review of court-martial proceedings.

20.213 Depositions before naval tribunals; procedure.

20.238 Testimony of husband and wife.

20.240 Testimony of medical officers and civilian physicians.

20.241 Testimony of children.

20.244 Persons amenable to service as witnesses.

20.245 Summoning witnesses.

20.247 Summoning civilian witnesses.

20.248 Authority of judge advocate in summoning civilian witnesses.

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20.255 When subpoena is disregarded.

Sec.

20.256 Warrant of attachment to compel attendance of civilian witnesses.

20.257 Fees of civilian witnesses.

20.258 Fees of civilian witnesses; rates prescribed.

20.259 Fees of civilian witnesses attending several trials on same day.

20.261 Privilege of witness in not answering particular questions.

20.265 Rule for determining privilege on ground of self-incrimination.

20.230 Authority of naval courts to punish contempt.

20.232 Procedure when witness is charged with contempt.

20.234 Further procedure where civilian witness is adjudged guilty.

20.720 Courts of inquiry; power to compel attendance of witness.

AUTHORITY: §§ 20.213 to 20.720, inclusive, issued under R. S. 1547; 34 U. S. C. 591. Additional statutory provisions noted in parentheses at the end of particular sections are applicable to such sections.

NOTE: Sections 20.213 to 20.720, inclusive, are also contained in Naval Courts and Boards, 1937, Navy Department, effective July 1, 1937, as amended to August 1, 1943, 8 F. R. 11023.

§ 20.1 *Delegations of authority in the review of court martial proceedings.* The exercise of authority to review court-martial proceedings has been delegated by acts of Congress in the following manner:

(a) The convening authority in each case may remit or mitigate the sentence of any court-martial, but may not commute it.

(b) The final authority with respect to deck courts and summary courts-martial is vested in the Secretary of the Navy, who may remit, mitigate or commute any sentence imposed by such courts and courts-martial.

(c) Except in cases where the death sentence has been imposed, final authority with respect to general courts-martial is vested in the Secretary of the Navy, who may remit, mitigate or commute any sentence imposed by such courts-martial.

(d) In the event of general courts-martial sentences involving the death penalty, the sentence may not be carried into effect until confirmed by the President of the United States.

§ 20.213 *Depositions before naval tribunals; procedure.* (a) The method of procedure in order to obtain a deposition is as follows: The party, prosecutor or defendant, desiring the deposition submits to the court a list of interrogatories to be propounded to the absent witness; then the opposite party, after he has been allowed a reasonable time for this purpose, prepares and submits a list of cross-interrogatories. After the court has assented to the interrogatories and cross-interrogatories thus submitted, it adds such as, in its judgment, may be necessary to elucidate the whole subject of the testimony to be given by the witness. Depositions may also be taken before the assembling of the court by mutual agreement between the judge advocate and the accused (counsel), subject to objections when read in court. (Sec. 16, 35 Stat. 622, 34 U. S. C. 1200, art. 63)

(b) If the witness whose deposition it is desired to take be a civilian, the judge advocate should prepare, in duplicate, a subpoena requiring the witness to appear before the officer designated at the time and place designated for the purpose of giving his deposition. The officer who is to take the deposition will be designated, or caused to be designated, by the convening authority, or by the Commandant of the naval district in which the deposition is to be taken. It may be left to the designated officer to name the time and place of taking the deposition. The subpoena (in duplicate) together with the interrogatories, should be forwarded to the officer who is to take the deposition. This officer will cause the duplicate subpoena to be served personally upon the witness and return the original, with indorsement that the duplicate has been delivered, to the judge advocate. A civilian witness who attends to give his deposition is entitled to the same fees and expenses as if he had attended personally before the court, and a proper account with the required data should be furnished. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

(c) If the deposition of a person in the service is required, a summons will not be inclosed with the interrogatories, but the officer before whom the deposition is to be taken, or the officer who causes it to be taken, shall direct the witness to appear at the proper time and place. (Sec. 16, 35 Stat. 622; 34 U. S. C. 1200, art. 68)

(d) If the witness is in a foreign country his testimony or written interrogatories may be taken by a consular officer of the United States, as provided by the Act of June 20, 1936. (Sec. 3, 49 Stat. 1562; 28 U. S. C. 695b)

§ 20.238 *Testimony of husband and wife.* The rule for naval courts martial is summarized:

(a) Wife or husband of an accused may testify on behalf of the accused without restriction, but when so testifying shall be subject to cross-examination in the same manner as an accused testifying at his own request.

(b) Wife or husband of an accused may not be called to testify against the accused without the consent of both accused and witness, unless on a charge of an offense committed by the accused against the witness.

(c) Wife or husband of any person may not testify to confidential communications of the other, unless the other give consent.

(The last two rules are rules of privilege, and are more fully considered in §§ 20.261, 20.265.)

§ 20.240 *Testimony of medical officers and civilian physicians.* It is the duty of medical officers to attend officers and men when sick, to make the annual physical examination of officers, and examine applicants for enlistment, and they may be specially directed to observe an officer or man or specially to examine

or attend him; such observations, examinations, or attendance would be official and the information acquired would be official. While the ethics of the medical profession forbid doctors divulging to unauthorized persons the information thus obtained and the statements thus made to them, such information and statements do not possess the character of privileged communications. If a medical officer, when called as a witness before a court martial, refuses to testify to such matters, he is subject to punishment under the forty-second article (sec. 12, 35 Stat. 622; 34 U. S. C. 1200) for the Government of the Navy or to court martial. Neither is there any privilege between a civilian physician and a patient.

§ 20.241 *Testimony of children.* The admissibility of testimony of children is not regulated by their age, but by their apparent sense and understanding. The court may, in its discretion, receive the testimony of any child, regardless of age, and give it such weight as it may appear to deserve; provided, only that in the opinion of the court the child understands the moral importance of telling the truth, for which purpose the court may examine the child.

§ 20.244 *Persons amenable to service as witnesses.* All persons are amenable to the service of process to appear as witnesses. One who has disobeyed a subpoena or a summons can show as a defense to a proceeding to punish for contempt that it was impossible for him to appear, or that by reason of illness or otherwise his life would have been endangered; but no duty, except of the most imperative kind, nor any business engagement, is a valid excuse for failure to attend. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.245 *Summoning witnesses.* (a) The judge advocate shall summon as witnesses persons whose testimony is necessary to a trial, whether for the prosecution or the defense; but shall not, except as hereinafter provided, summon any witness at the expense of the United States.

(b) The written instrument that serves to summon a witness who is in the naval or military service is termed a summons; a witness who is not in the service, a subpoena. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.247 *Summoning civilian witnesses.* (a) The power with which a naval general court martial and a court of inquiry is vested to compel witnesses to appear and testify is conferred upon such courts by the 42nd Article for the Government of the Navy (sec. 12, 35 Stat. 622; 34 U. S. C. 1200). A naval court martial has the power to subpoena witnesses, and such subpoenas run throughout the United States. However, article 42 (c). Articles for the Government of the Navy, provides for the punishment of any person who wilfully neglects to obey the subpoena, but limits this power so that it shall not apply to per-

sons residing beyond the State, Territory, or District in which such naval court is held. The word "District" applies to the District of Columbia only.

(b) From the foregoing it will be seen that a subpoena issued by a naval court to compel the attendance of witnesses will run throughout the United States, but that the penalties provided in article 42 (c) do not attach where the person resides beyond the State.

(c) To illustrate, a general court martial at the Navy Yard, New York, N. Y., has the power to compel the attendance of civilian witnesses who reside within the State of New York; and should such witnesses wilfully neglect or refuse to appear they may be proceeded against and prosecuted in the manner provided in article 42 (c) mentioned in paragraph (a) of this section. However, should the naval court desire, the attendance of a witness who resides in the State of New Jersey it can not compel his attendance, but should such witness be willing to appear to testify, he may lawfully be paid his fees and mileage. (See § 20.248.) (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

CROSS REFERENCES: For warrant of attachment to compel attendance of civilian witness, see § 20.256. For fees to civilian witnesses, see §§ 20.257, 20.259.

§ 20.248 *Authority of judge advocate in summoning civilian witnesses.* (a) The judge advocate is authorized to subpoena as a witness any civilian who is to be a material witness as to facts, and who is within the State, Territory, or District in which a naval court sits and can compel attendance.

(b) The judge advocate is not authorized to subpoena as a witness, at the expense of the United States, any civilian who is not within the territorial limits in which the court can compel attendance, even though such witness be considered a material one and be willing to attend. In such cases the judge advocate shall forward the subpoena to the Secretary of the Navy, together with the information, and in the manner required when forwarding a summons for a naval witness who is not present at the station where the court martial is convened. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.253 *Service of subpoena.* (a) Unless he has reason to believe that a formal service of subpoena will be required, the judge advocate will endeavor to secure the attendance of a civilian witness by correspondence with him, sending him duplicate subpoenas properly filled out, with a request to accept service on one by signing the printed statement, "I hereby accept service of the above subpoena" and to return it to the judge advocate, for which purpose a return-address penalty envelope should be inclosed. Ordinarily there will be no

difficulty in securing the voluntary attendance of a civilian witness if he is informed that his fees and mileage will not be reduced by reason of his voluntary attendance, and that a voucher for his fees and mileage going to and returning from the place of the sitting of the court martial will be delivered to him promptly on being discharged from attendance on the court. If this procedure will not procure the witness, the judge advocate shall prepare duplicate subpoenas. Service is made by a personal delivery of the duplicate subpoenas to the witness, and proof of service by returning the original to the judge advocate properly indorsed and sworn to by the person who serves the subpoena. Any person duly instructed to do so may serve the subpoena, but the service must be personal.

(b) If the desired witness lives near the place where the court is convened, and within the territorial limits in which the court can compel attendance, the subpoena may be served by the judge advocate, provost marshal, or by any other person instructed to do so. If the residence of the witness is not near at hand, but within the territorial limits in which the court can compel attendance, the president of the court shall address a letter to the Commandant or senior officer present, requesting that a person be designated to proceed to such place as the desired witness may be for the purpose of serving the subpoena, and further requesting that the necessary transportation and subsistence be furnished. If the witness is beyond the territorial limits within which the court can compel attendance, the necessity for personal service no longer exists. In such case delivery may be made by such method as may be most practicable. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.254 *Advance notice to witnesses.* The judge advocate will endeavor to issue subpoenas to civilian witnesses and to make request for the attendance of military witnesses at such time as will give each witness at least 24 hours' notice before starting to attend the meeting of the court.

§ 20.255 *When subpoena is disregarded.* In case a civilian, duly subpoenaed before a general court martial or court of inquiry, wilfully neglects or refuses to appear or qualify as a witness or to testify or produce documentary evidence as required by law, he shall at once be tendered or paid, in the manner prescribed in § 20.257, one day's fees and mileage for the journey to and from the court, and shall thereupon be again called upon to comply with the requirements of the law. For the further procedure to be taken in the event that a witness persists in refusal to attend, see articles 42 (b) and 42 (c) Articles for the Government of the Navy (secs. 11, 12, 35 Stat. 621, 622; 34 U. S. C. 1200, arts. 42 (b) 42 (c)) The fees and mileage of civilian witnesses residing beyond the territorial limits within which the court can compel attendance shall not be paid in advance, as such witnesses can not be punished if they disregard a sub-

poena. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.256 *Warrant of attachment to compel attendance of civilian witnesses.* (a) In order to compel the appearance of a civilian witness in certain exceptional cases, under the circumstances hereinafter set forth, it may become desirable to resort to a warrant of attachment.

(b) In such cases the proper procedure is as follows: The president of the court will issue a warrant of attachment, directing and delivering it for execution to an officer designated for that purpose, generally the provost marshal of the court. He will also deliver to this officer the subpoena, indorsed with affidavit of service (to be returned when the warrant is executed) and a certified copy of the order appointing the court martial. A warrant, or writ of attachment, does not run beyond the State, Territory, or District (of Columbia) in which the court martial sits.

(c) In executing such process it is lawful to use only such force as may be necessary to bring the witness before the court. Whenever force is actually required, the senior officer present, or other officer designated by the convening authority, nearest the witness' residence will furnish a detail sufficient to execute the process. The use of this procedure, however, should be resorted to only when the ends of justice absolutely demand it, when all other means have failed, and only upon the authorization of the Secretary of the Navy. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.257 *Fees of civilian witnesses.* (a) When directed in writing by the commanding officer, payment of the fees and mileage of civilian witnesses shall be made by the disbursing officer of any vessel or, at a yard or station where there is no receiving ship, by the disbursing officer of the yard, or at Marine Corps posts, not at a navy yard or station, and where there is no disbursing officer of the Navy, by the assistant paymaster of the Marine Corps serving with the command. The order from the commanding officer must be accompanied by a certified copy of the precept and by vouchers, properly sworn to by the witness and certified by the judge advocate or recorder of the court, or by the deck court officer, or by the officer before whom the witness gave his deposition.

(b) The fees and mileage of a civilian witness who refuses to obey a subpoena to appear before a general court martial or court of inquiry will be duly paid (or tendered) by the judge advocate; the money for this purpose will be supplied by such pay officer as may be designated upon the written order of the senior officer present, and the judge advocate receiving the money for the purpose named shall furnish the pay officer concerned with a proper receipt.

(c) The certificate of the judge advocate, recorder, deck court officer, or officer before whom a deposition is taken will be evidence of the fact and period of attendance and place from which summoned, and said certificate shall be made on the voucher.

(d) Upon execution of the certificate the witness will be paid upon his discharge from attendance, without awaiting performance of return travel. The charges for return journeys will be made upon the basis of the actual charges allowed for travel to the court, or place designated for taking a deposition. No other items will be allowed.

(e) Travel must be estimated by the shortest usually traveled route, by established lines of railroad, stage, or steamer, the time occupied to be determined by the official schedules; reasonable allowance will be made for unavoidable detention.

(f) If no pay officer be present at the place where the court sits, the accounts, properly authenticated as directed above, shall be transmitted to the convening authority or to the nearest naval station to which a pay officer is attached, with the request that the amount be paid by check.

(g) Accounts of civilian witnesses are not transferable.

(h) Signatures of witnesses when signed by mark must be witnessed.

§ 20.258 *Fees of civilian witnesses; rates prescribed.* A civilian not in government employ, duly summoned as a witness before a naval court, or at a place where his deposition is to be taken for use before such court, will receive \$1.50 a day for each day of actual attendance and for the time necessarily occupied in going and returning, and 5 cents a mile for going from his or her place of residence and return. A civilian witness not in the Government employ who attends a naval court or at a place where his deposition is to be taken, at a point so far removed from his residence as to prohibit return thereto from day to day, will receive, in addition to the compensation provided above, \$3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend court and return home. (R. S. 823, 848, sec. 3, 44 Stat. 323; 28 U. S. C. 600c, 601)

§ 20.259 *Fees of civilian witnesses attending several trials on same day.* A civilian attending as a witness in several court-martial trials on the same day is entitled to a separate fee for attendance in each case, but will receive mileage in only one case. (R. S. 823, 848, sec. 3, 44 Stat. 323; 28 U. S. C. 600c, 601)

§ 20.261 *Privilege of witness in not answering particular questions.* Although every person is amenable to the service of process to appear and testify, a witness may be privileged with respect to certain testimony, or there may be certain matters concerning which he may claim the privilege of not testifying. This privilege should be distinguished from the incompetency attaching to certain testimony, as of husband and wife, and of an attorney as set forth in sections 238 and 239.¹ The principal cases of privilege are:

¹For section 238 cited to the text, see § 20.238 of this part. Section 239 is not included in this part. "Naval Courts and Boards" is available at the office of the Judge Advocate General, Navy Department.

(a) *State secrets.* This class of privilege covers all the departments of the Government, and its immunity rests upon the belief that the public interests would suffer by a disclosure of state affairs. The scope of this class is very extended, and the question of the inclusion of a given matter therein is decided by a consideration of the requirements of public policy with reference to such matter.

(b) *Criminating questions.* All questions whose answers would expose the witness to a criminal prosecution or penal action come under the head of criminating questions. A witness may properly decline to answer a criminating question. If the declination be sustained by the court, no inference therefrom or comment thereon is permissible.

(c) *Degrading questions.* A witness may also properly decline to answer where the inquiry is as to collateral, irrelevant, or immaterial matters on the ground that his answer will have the direct effect of degrading or disgracing him, as, for example, in a case where his answer could have no effect upon the case except to impair his credibility. He may, however, be compelled to answer as to a matter which is material to the issue or trial, notwithstanding the fact that his answer may tend to disgrace him or bring him into disrepute, unless his answer would also tend to incriminate him in addition to degrading him. (R. S. 858, 34 Stat. 618; 28 U. S. C. 631)

§ 20.265 *Rule for determining privilege on ground of self-incrimination.*

(a) To entitle a witness to the privilege of silence, the court must see from the circumstances of the case and the nature of the evidence which the witness is called to give that there is reasonable ground to apprehend danger to the witness from his being compelled to answer. In order to assist the court in deciding whether to require the witness to answer, it is proper to inquire into the merits of his refusal to answer and afford him the opportunity to substantiate his contention that such answer would, in fact, incriminate him. If the party examining the witness requests he be compelled to answer, the court will then decide, in accordance with the above, whether the answer will tend to incriminate him and, if so, will not require the witness to answer. If there is no reasonable apprehension of incrimination, then the witness should be compelled to answer or be cited for contempt. The danger to be apprehended must be real and appreciable with reference to the ordinary operation of the law in the ordinary course of things. It is not sufficient if the danger is of an imaginary and unsubstantial character having reference to some barely possible contingency so improbable that no reasonable man would allow it to influence his conduct.

(b) If the witness has been previously tried in connection with the matter about which he is called upon to testify, his claim of privilege is not valid, the danger having ceased. Completion of the trial is the test and the trial is deemed to be complete when jeopardy is complete.

(c) If the privilege claimed be on the ground of self-incrimination and the answers when made under compulsion thus tend to incriminate the witness then such answers can not subsequently be put in evidence in a criminal proceeding against the witness. However, no such right accrues to the person compelled to answer a degrading question. (R. S. 858, 34 Stat. 618; 28 U. S. C. 631)

§ 20.290 *Authority of naval courts to punish contempt.* The forty-second Article for the Government of the Navy (34 U. S. C. 1200, art. 42) gives a court authority to punish contempts. The article is not construed as extending the authority to punish for contempt to a summary court martial or deck court. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.292 *Procedure when witness is charged with contempt.* When a witness is charged with contempt, the regular business of the court should be suspended, and he should be given opportunity to reply. The action taken is properly summary, a formal trial not being called for. If the reply is satisfactory, the proceedings for contempt may be ended. A witness can not, however, purge himself of contempt by insisting that his language or behavior was proper. The testimony of a witness who has been adjudged guilty of contempt may be continued.

§ 20.294 *Further procedure where civilian witness is adjudged guilty.* If possible, before a civilian witness in contempt before a general court martial or court of inquiry is permitted to withdraw, the Federal district attorney should be communicated with in order that the witness may be apprehended expeditiously. The law does not give a naval court authority to restrain such witness of his liberty as in the case of naval witnesses. Even though the witness has departed from the jurisdiction within which the court martial sits, the district attorney may cause his arrest in another jurisdiction, as the offense is one against the United States. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

§ 20.720 *Courts of inquiry; power to compel attendance of witnesses.* A court of inquiry has power to compel the attendance of civilian witnesses, and should be convened or requested where testimony of civilians will likely be desired; the proceedings of a court of inquiry may under certain conditions be evidenced before a court martial; otherwise there is no vital distinction in the power or effectiveness of a court of inquiry and an investigation, and the question which to convene is entirely within the discretion of the convening authority. Whether or not an investigation shall be by a board of officers or by one officer is entirely within his discretion, but in important cases where the facts are various and complicated, where there appears to be reason for suspecting criminality, or where crime has been committed with uncertainty as to the perpetrator, or where serious blame has been incurred without certainty on whom it ought chiefly to fall, a court of

inquiry or a board of investigation affords the best means of collecting, sifting, and methodizing information for the purpose of enabling the convening authority to decide upon the necessity and expediency of further judicial proceedings. (Sec. 12, 35 Stat. 622; 34 U. S. C. 1200, art. 42)

PART 21—PROCEEDINGS IN CIVIL COURTS

Sec.

- 21.1 Delivery of men to civil authorities.
- 21.4 Delivery of men to state authorities for trial.
- 21.10 Naval prisoners wanted by civil authorities.
- 21.11 Naval prisoners as witnesses or parties in civil courts.
- 21.12 Men released by civil authorities on bail.
- 21.13 Service of subpoena or other process on a person in the Navy.
- 21.24 Habeas corpus proceedings; State courts.

AUTHORITY: §§ 21.1 to 21.24, inclusive, issued under R. S. 1547; 34 U. S. C. 591.

NOTE: Sections 21.1 to 21.24, inclusive, are also contained in Appendix C, Naval Courts and Boards, 1937, Navy Department, effective July 1, 1937.

§ 21.1 *Delivery of men to civil authorities.* In no case will commanding officers of vessels or shore stations of the Navy or Marine Corps deliver to the civil authorities, State or Federal, any person in their custody or under their control without first communicating with the Secretary of the Navy and awaiting his instructions. The Secretary of the Navy will promptly issue the necessary orders in the case or make request upon the Attorney General, in accordance with R. S. 361, 5 U. S. C. 306, to furnish such legal assistance to the commanding officer concerned as the interests of the United States involved in such case may demand.

§ 21.4 *Delivery of men to state authorities for trial.* In every case in which the Secretary of the Navy authorizes the delivery of any person in the Navy or Marine Corps to the civil authorities of a State, for trial, such person's commanding officer will, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that he will be informed of the outcome of the trial and that the person so delivered will be returned to the naval authorities at the place of his delivery or issued transportation to the nearest receiving ship (or marine barracks in the case of Marines) without expense to the United States or to the person delivered immediately upon the completion of his trial for the alleged misconduct which occasioned his delivery to the civil authorities, in the event that he is acquitted upon said trial, or immediately upon satisfying the sentence of the court in the event that he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return.

§ 21.10 *Naval prisoners wanted by civil authorities.* In any case in which the delivery of a person in the Navy or Marine Corps for trial is desired by the

civil authorities, Federal or State, and such person is a naval prisoner (which includes any person serving sentence of court martial or in custody awaiting trial by court martial or disposition of charges against him) he will not, in general, be delivered to the Federal or State authorities until he has served the sentence of the naval court martial, or his case has otherwise been finally disposed of by the naval authorities. However, if the Federal or State authorities desire the surrender of the party under the above circumstances upon a serious charge, such as felonious homicide, and the interests of justice would be better served by his delivery, the Secretary of the Navy may, in his discretion, discharge the man from naval custody and from his contract of enlistment and deliver him to the civil authorities for trial.

§ 21.11 *Naval prisoners as witnesses or parties in civil courts.* If the Federal or State authorities desire the attendance of a naval prisoner as a witness in a criminal case pending in a civil court, upon the submission of such a request to the Secretary of the Navy, authority will be given in a proper case for the production of the man in court without resort being had to a writ of habeas corpus ad testificandum. The Department, however, will not authorize the attendance of a naval prisoner in a Federal or State court, either as a party or as a witness in private litigation pending before such court, as in such cases the court may grant a postponement or a continuance of the trial; but the Department will allow the deposition of such naval prisoner to be taken in the case.

§ 21.12 *Men released by civil authorities on bail.* Where a person in the Navy or Marine Corps is arrested by the Federal or State authorities for trial and returns to his ship or station on bail, the commanding officer may grant him leave of absence to appear for trial on the date set upon an official statement by the judge, prosecuting attorney, or clerk of the court, reciting the facts, giving the date on which the appearance of the man is required, and the approximate length of time that should be covered by such leave of absence.

§ 21.13 *Service of subpoena or other process on a person in the Navy.* Commanding officers afloat or ashore are authorized to permit the service of subpoena or other process upon the person named therein, provided such person is within the jurisdiction of the court out of which the process issues, but such service will not be allowed without permission of the commanding officer first being obtained. Where the person in the naval service is on board ship or at a naval station beyond the jurisdiction of the court, it is necessary that the process be presented to the man's commanding officer who will deliver the process to the person named therein and inform him that, if he is willing voluntarily to accept such service, he should indicate his acceptance in the manner provided. In the event the man declines to accept service, the commanding officer will return said warrant with a statement to that effect. In cases in which

service by mail is legally sufficient, the papers may be addressed to the man.

CROSS REFERENCE: For Production of documents in civil court in response to a subpoena duces tecum see § 2.3 of this chapter.

§ 21.24 *Habeas corpus proceedings; State courts.* State courts have no jurisdiction in habeas corpus proceedings to order the discharge of any person held by an officer of the Navy or Marine Corps by authority of the United States; however, in the event that a writ of habeas corpus should be issued by a State court to a commanding officer of the Navy or Marine Corps, afloat or ashore, the Secretary of the Navy will be communicated with immediately in accordance with section C-3;¹ and should instructions not be received by the commanding officer from the Secretary of the Navy by the time specified in the writ, or if no definite time be specified therein, within 3 days after the service of the writ, the officer upon whom the writ is served will make return thereto in accordance with the instructions in the preceding section without producing the body of the accused in court. (21 How. 506)

PART 22—NAVY MEDICAL SURVEY REVIEW BOARD

- Sec.
22.1 Request for review.
22.2 Scope of review.
22.3 Witnesses.
22.4 Powers of the Board.
22.5 Proceedings and decisions of the Board.

AUTHORITY: §§ 22.1 to 22.5, inclusive, issued under sec. 302, 58 Stat. 237, as amended; 38 U. S. C., Sup., 6931.

NOTE: The organization and functions of this Board are found in § 1.4 (d) (13) of this chapter.

§ 22.1 *Request for review.* It reviews, at the request of any officer retired or released from active service without pay for physical disability pursuant to the decision of a board of medical survey, the findings and decisions of such Board.

§ 22.2 *Scope of review.* Such review is based upon all available service records relating to the officer requesting such review and such other evidence as may be presented by such officer.

§ 22.3 *Witnesses.* Witnesses are permitted to present testimony either in person or by affidavit and the officer requesting review is allowed to appear before the Review Board in person or by counsel.

§ 22.4 *Powers of the Board.* Such Board has the same powers as were exercised by or vested in the Board whose findings and decisions are being reviewed.

§ 22.5 *Proceedings and decisions of the Board.* The proceedings and decisions of such Board, affirming or reversing the decisions of any board of medical survey, are transmitted to the Secretary of the Navy and laid by him before the President for his approval or disapproval and orders in the case.

¹ Section C-3 is available at the office of the Judge Advocate General.

² "Preceding section" refers to section C-23 of Naval Courts and Board. This is available at Office of Judge Advocate General.

PART 23—NAVAL RETIRING REVIEW BOARD

- Sec.
23.1 General provisions.
23.2 Composition of the Board.
23.3 Procedure.
23.4 Action by the Board.
23.5 Disposition of and action upon proceedings; final action by the Board.
Appendix A.

AUTHORITY: §§ 23.1 to 23.5, inclusive, issued under sec. 302, 53 Stat. 224 as amended; 38 U. S. C. Sup., 6931.

§ 23.1 *General provisions—(a) Establishment and purpose.* (1) The Secretary of the Navy is directed by section 302 of the "Servicemen's Readjustment Act of 1944" approved June 22, 1944 (53 Stat. 287; 38 U. S. C., Sup., 6931) to establish a board to review, at the request of any officer retired or released to inactive service, without pay, for physical disability pursuant to the decision of a retiring board, the findings and decision of such retiring board.

(2) To effectuate the purposes of this statute, the Secretary of the Navy has established (§ 1.4 (d) (13)) a board to review the findings and decisions of certain naval retiring boards, which board shall be known as the Naval Retiring Review Board (hereinafter referred to as the Board).

(b) *General jurisdiction and authority of the Board.* (1) The Board will review, at the request of any officer retired or released to inactive service, without pay, for physical disability pursuant to a decision of a retiring board, the findings and decision of such retiring board, and in such a case will ascertain whether such officer incurred such physical disability in line of duty or as an incident of the service.

(2) The Board is authorized to affirm or reverse, in whole or in part, the findings and decision of a retiring board, and to make such findings and decision in lieu thereof as are warranted by the evidence before the Board.

(3) The class of persons whose cases are reviewable by the Board shall include any officer, or person, who is or was subject to or eligible under laws granting retirement for physical disability while on active service in the Navy or its components, *Provided*, Such officer or person was retired or released to inactive service without pay, for a physical disability, pursuant to a decision of a retiring board. (The term "retired or released to inactive service" shall be construed to include former officers separated from the service, without pay, for a physical disability, pursuant to a decision of a retiring board.)

(4) In carrying out its duties, the Board shall have the same powers as exercised by, or vested in, the retiring board whose findings and decisions are being reviewed.

(5) No request for review shall be valid and the Board shall not entertain an application, unless filed within fifteen (15) years after the date of retirement for disability, or after the effective date of the act of June 22, 1944, whichever is the later.

§ 23.2 *Composition of the Board—(a) Members.* (1) The Board shall be composed of five commissioned officers,

two of whom shall be selected from the Medical Corps of the Navy.

(2) One of the non-medical members will be an officer with legal training and experience.

(3) The senior member will be President of the Board. The President will convene the Board in each case, at a time and place to be fixed by him. Also, the Board will recess and adjourn at his order. In the event of the absence or incapacity of the President, the next senior member will serve as acting President for all purposes.

(4) For the purpose of maintaining a Board of five commissioned officers at all times, as many additional members, medical and non-medical, will be designated by the Secretary of the Navy as are deemed necessary.

(5) Each member of the Board shall take the oath prescribed in Naval Courts and Boards for members of a Naval Retiring Board.

(6) Each member of the Board, the Recorder, and each other person detailed to duty with the Board, when entering upon his duties with the Board, shall take an oath to perform faithfully his duties with the Board and not to divulge or disclose the specific proceedings, deliberations, findings, or decision of the Board in any case before it, except insofar as may be revealed in open session of the Board; unless required so to do before a court of justice in due course or by proper naval authority.

(b) *Examiner* (1) There shall be an examiner for the Board, whose duties shall be to examine all Navy Department records and available evidence bearing on the case, together with all contentions submitted on behalf of the applicant and evidence in support thereof, and prepare an impartial written summary thereof, which shall be advisory in character only and set forth separately.

(i) The findings and decision of the retiring board which are under review, and the administrative action taken subsequent thereto.

(ii) Summaries or extracts of such pertinent Navy Department records or other evidence which may be material to the issue.

(iii) Propositions advanced on behalf of the applicant.

(iv) Summaries or extracts of evidence submitted in support of paragraph (b) (1) (iii) of this section.

(2) In the preparation of cases for presentation to the Board, the examiner may consult the medical, or other members of the Board, on matters pertinent thereto.

(3) The examiner will not be present with the Board while it is in closed session, and shall not be accorded any substantive or procedural rights not available to the applicant or his counsel under these regulations. He will not take part in any deliberations or discussions with or among Board members with respect to the merits of any case, except to the extent authorized by paragraph (b) (2) of this section.

(4) It shall be the duty of the examiner to bring to the attention of the Board in each case pertinent and applicable naval standards, together with pertinent precedents.

(5) Before entering upon his duties with the Board, the Examiner will be sworn by the Recorder to faithfully perform his duties as Examiner for the Board, but it will not be necessary for the Examiner to be separately sworn in each case.

(c) *Recorder* (1) There shall be a Recorder for the Board, whose duties shall be to:

(i) Obtain all available service records relating to the applicant, for the use and purposes of the Board;

(ii) Establish and maintain a docket of all cases and to show therein all pertinent information as to the procedural action in each case;

(iii) Perform all the functions of a Recorder, as outlined by Naval Courts and Boards, pertaining to retiring boards;

(iv) Perform all such administrative duties as may be required in connection with the proceedings of the Board, or as may be prescribed by the President of the Board.

(2) The Recorder will be the custodian of all the Board's records and he shall be responsible for safeguarding same.

(3) The Recorder shall take the oath prescribed in Naval Courts and Boards for a Recorder of a naval retiring board.

(4) The Recorder may, in the discretion of the Board, act as examiner.

(d) *Reporter* There shall be a Reporter for the Board whose duties shall be to record and transcribe the proceedings of the Board in open session and the testimony taken before it. Before entering upon his duties with the Board, the Reporter will be sworn by the Recorder to faithfully perform his duties as Reporter for the Board.

(e) *Additional personnel.* Upon request of the President of the Board, there will be detailed for service with the Board such additional personnel as may be deemed necessary for the proper performance of the duties of the Board.

(f) *Miscellaneous provisions.*—(1) *Army-Navy coordination.* Provision will be made by the Board for close liaison between the Army and Navy to include periodic joint conferences to discuss common problems and to study results of actions taken.

(2) *Changes in procedure of Board.* The Board may initiate recommendations for such changes in procedures, as established herein, as may be deemed necessary for the proper functioning of the Board. Such changes will be submitted via the Judge Advocate General of the Navy for the approval of the Secretary of the Navy.

§23.3 *Procedure*—(a) *Request for review.* (1) To obtain a review by the Board, the applicant should submit a written request¹ for such a review, addressed to the Chief of Naval Personnel, Navy Department, Washington 25, D. C. (Forms for application will be provided on request.)

(2) Such a request for review should state in brief the following:

(i) Full name of applicant.

(ii) Mailing address of applicant.

(iii) Navy file number of applicant.

¹ See Appendix A.

(iv) A statement setting out the basis for application for review, showing in general the nature of error or inequity believed to have occurred in the findings and decision of the retiring board or of administrative action.

(v) The corrective action requested.

(vi) Whether or not the applicant desires to appear before the Board in person.

(vii) Whether or not the applicant will be represented by counsel, and, if so, the name and address of counsel.

(viii) The term "counsel" as used herein includes, among others, members of the bar in good standing, and accredited representatives of veterans' organizations recognized by Veterans' Administration. Section 200 of the act of June 29, 1936 (49 Stat. 2031, 38 U. S. C. 101) provides in part as follows:

The Administrator of Veterans' Affairs is hereby authorized to recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans of the World War, the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, and such other organizations as he shall approve, in the presentation of claims under statutes administered by the Veterans' Administration.

(b) *Notice of hearing.* (1) The Board will give the applicant at least thirty days' written notice of the time and place of his hearing on review. This time will be computed from the time of mailing of the said notice. Such notice will be transmitted to the applicant by registered mail.

(2) Appropriate notation concerning notice of hearing will be made in the Board's record of proceedings.

(c) *Continuances.* A continuance may be granted by the Board on its own motion or at the request of the applicant or his counsel, when such continuance appears necessary, in the judgment of the Board, in order to insure a thorough, complete and equitable hearing.

(d) *Hearing.* (1) The applicant may present his case:

(i) Solely by written application for a review. Such review will be based on all available service records relating to the applicant. The Board will consider such additional written evidence as the applicant may desire to file.

(ii) In person, with or without counsel.

(iii) By counsel.

(2) *Failure of applicant to appear.* In case an applicant, having duly requested a hearing, and after being duly notified of the time and place of the hearing, fails to appear at the appointed time and place, either in person or by counsel, then the Board will take no action.

(3) *Expenses.* The expenses of any character incurred by the applicant, and the expenses, compensation or fees incurred by his witnesses or his counsel, or in the procurement of testimony or evidence, whether in person, by affidavit or otherwise, will not be assumed, paid or authorized by the Government.

(4) *Scope of review.* The Board will consider and review all relevant and material facts relating to applicant's physical condition at the time of entry into the active naval service (which may include medical history previous thereto), during

active service, and at the time of retirement or release to inactive service, which appear (i) in the findings and decision of a retiring board, (ii) in other available records of the Navy Department, and (iii) from testimony or evidence before the Board.

(5) *Witnesses.* (i) Evidence may be submitted to the Board by sworn oral testimony of witnesses, or in the form of depositions or affidavits duly sworn to and acknowledged before a person authorized to administer oaths.

(ii) Witnesses appearing before the Board, including the applicant, will testify under oath. They will be subject to examination and/or cross-examination, as appropriate, by members of the Board, the applicant or by applicant's counsel.

(6) *Conduct of the hearing.* (i) Insofar as practicable, the hearings of the Board will be conducted in accordance with the pertinent instructions contained in Naval Courts and Boards except that:

(a) No right of challenge will be accorded;

(b) Physical examination of the applicant is not mandatory, but if it appears to the Board's satisfaction to be essential, the Board may, in any case, request that he submit to a physical examination;

(c) The Board will not make a preliminary report;

(d) The medical members will not be subject to examination; and

(e) The medical members will not submit a report.

(ii) In the conduct of its proceedings the Board shall not be restricted by the rules of evidence; its proceedings are in no sense a legal trial; its objective is to assure that the merits of each case are considered without partiality or prejudice in an expeditious and orderly manner.

(iii) In order to bring about a change in the findings and decision of the original retiring board, it is incumbent upon the applicant to show, or it must otherwise appear, to the Board's satisfaction, that such a change in the findings and decision is, in truth, warranted.

(iv) Whenever during a review it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed, the Board may obtain or request such further evidence as it may deem essential to a fair and impartial understanding of the case.

(v) Classified matter of the Navy Department will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the Board will obtain and make available to the petitioner or his counsel such summary of the classified matter as may be relevant to the case and as may be deemed by appropriate naval authority to be compatible with the public interest.

§ 23.4 *Action by the Board—(a) Deliberations.* (1) After a complete and thorough review of the evidence, the Board will deliberate in closed session, and will be governed in its action by the vote of a majority of the Board.

(2) No persons other than members of the Board shall be present at or participate in its deliberations.

(b) *Findings and decisions.* The Board in each case will reach its findings and decision in closed session. Such findings and decision will include:

(1) A concise summary of the findings and decision of the original retiring board and of pertinent administrative actions subsequent thereto.

(2) In case the Board determines that a change in the findings and decision of the retiring board is warranted by the evidence, the basis for such change will be indicated.

(3) Where the Board reverses the original findings or decision, the Board will then make complete findings and decision, including so much of the original findings and decision as the Board may affirm, and shall include the following:

(i) Whether or not the applicant was incapacitated for active service.

(ii) The disability causing the incapacity.

(iii) Whether or not such incapacity was permanent.

(iv) Whether or not such incapacity was the result of an incident of the service or in line of duty.

(v) When an applicant, who is or has been an officer of the Naval Reserve, is found to be incapacitated for active service, the Board shall further find whether the physical disability existed prior to the date upon which he reported for active duty for extended naval service in excess of thirty days.

(vi) In cases involving personnel who are found to be incapacitated for active service and such incapacity is the result of an incident of the service and such personnel have served under a temporary appointment in a higher rank, the Board shall further find whether the physical disability was incurred while serving under temporary appointment in a higher rank, and, if so, in which higher rank.

(c) *Minority reports.* The findings and decision of a majority of the Board shall constitute the findings and decision of the Board, and when made will be signed and authenticated by each member of the Board who concurs therein, and by the Recorder, but members not concurring may sign and file a minority report.

§ 23.5 *Disposition of and action upon proceedings; final action by the Board.*

(a) When the Board has concluded its proceedings in any case, the Recorder will prepare a complete record thereof. Such record shall include the application for review, a transcript of the hearing, if any; affidavits, briefs and written arguments filed in the case; the findings and decision of the Board; and all other papers and documents necessary to reflect a true and complete record of the proceedings.

(b) Such complete record will be transmitted to the Judge Advocate General of the Navy for appropriate action by the Secretary of the Navy.

APPENDIX A

Jacket Number.....

Date.....

From: Last name First Middle

Permanent address

To: Chief of Naval Personnel,
Washington, D. C.

Subj: Review of retirement board proceedings; request for.

1. I hereby request review of the retiring board proceedings in my case as authorized by Sec. 302, Public Law 346—78th Congress, approved 22 June 1944, and submit the following information.

a. The following error, inequity or administrative action is alleged to have occurred in the findings and decision of the Naval Retiring Board which considered my case.

(If additional space is needed attach extra sheet.)

b. The following corrective action is requested

c. I (do) (do not) desire to appear before the Board in person.

d. I (do) (do not) desire to be represented by counsel.

e. If statement (d) is affirmative, I designate as counsel:

Name

Address

2. In connection with the above-requested review I understand that no expenses of any nature whatsoever, incurred by me, my counsel or any other person on my behalf, shall be assumed, paid or authorized by the U. S. Government.

(Signature in handwriting of applicant)

Instructions: Affidavits of witness may be used if desired or witness may appear in person. If affidavits are used, they must be notarized and show the address of the witness concerned.

PART 24—BOARD FOR THE CORRECTION OF NAVAL RECORDS

Sec.

24.1 General provisions; jurisdiction.

24.2 Procedure.

24.3 Action by the Board.

24.4 Action by the Secretary of the Navy.

24.5 The Board.

24.6 Representatives.

24.7 Correspondence.

AUTHORITY: §§ 24.1 to 24.7, inclusive, issued under sec. 297, Pub. Law 601, 79th Cong.

§ 24.1 *General provisions, jurisdiction.* (a) The Board for the Correction of Naval Records, hereinafter referred to as the Board (see § 1.4 (d) (6)) has been established within the Navy Department to review, upon its own motion, or upon request by or on behalf of any officer, nurse, or enlisted man or woman, or former officer, nurse, enlisted man or woman of the naval service, or, if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, petitions for the correction of the naval record of the individual where an error exists or an injustice is claimed. The Board shall not review any case which would bring the Board into conflict with the powers and authority of any statutory board, or

with the jurisdiction of any other board which has been empowered by the Secretary of the Navy to take final action in any class of cases. Thus, the jurisdiction will not include review of reports or decisions of Selection Boards, Board of Review of Discharges and Dismissals (except for discharges or dismissals by reason of the sentence of a general court martial) Retiring Boards, Medical Survey Boards, or Boards of Decorations and Medals.

(b) The scope of the review shall be to determine whether an error has been made in a naval record, or whether, under normal standards of naval law, administration and practice, the petitioner has suffered a wrong as the result of an error of omission or commission in his record, or through some manifest injustice in the treatment accorded him, and if so, to correct the record and remove the injustice, subject to the approval of the Secretary of the Navy.

(c) It shall be adequate ground for denial of any application that effective relief cannot be granted or that a sufficient basis for review has not been established.

(d) The Board has no authority to recall any person to active duty or to set aside the findings of a general court martial.

§ 24.2 *Procedure*—(a) *Request for review*. (1) The petitioner should submit a written request for a review to the Board, accompanied by such evidence, statements and affidavits as may be necessary to establish his case.

(2) The request should state in brief: (i) The full name, rank or rating and the service or file number of the individual; (ii) the place to which any notices in connection with the review should be sent; (iii) the basis of the claim for review; (iv) what action is desired of the Board; and (v) whether the petitioner desires the review on the basis of the petition and accompanying papers, or whether he desires to appear in person before the Board and/or be represented by counsel. (If counsel is desired, the petitioner should designate such counsel by name.)

(3) When the petition is presented by a surviving spouse or next of kin, satisfactory evidence of the required relationship must be submitted.

(4) An application for the correction of a naval record may be refused by the Board on the ground that there has been undue delay in filing the application.

(b) *Review on own motion*. (1) The Board shall not conduct a review on its own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin, legal representative or, if such person is incompetent, his guardian, by registered mail to the last known address, return receipt requested.

(2) Such notice shall state that a review is to be held by the Board, and shall advise the addressee that he may present evidence to the Board in the manner herein prescribed.

(c) *Methods of presenting case*. (1) The petitioner shall present his case (i) by letter with accompanying evidence

and necessary affidavits, or (ii) if a hearing is granted by the Board, by presenting evidence before the Board, either in person or by counsel.

(2) Upon application in person at the office of the Board, the Board may furnish to a petitioner or his counsel such information from the official records pertaining to his petition as may be necessary in order to permit of a fair and impartial review. However, classified matter of the Navy Department will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the Board will obtain and make available to the petitioner or his counsel such summary of the classified matter as, in the judgment of the Board, may be relevant to the case and not incompatible with the public interest.

(d) *Counsel*. The term "counsel" as used in this section shall include members of the Federal bar in good standing, the bar of any state in good standing, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review.

(e) *Witnesses*. (1) The Board shall require that all testimony be given under oath or by affirmation.

(2) Witnesses shall be subject to examination and/or cross-examination as appropriate, by the members of the Board, the petitioner, his counsel, or by the Government representative.

(3) The testimony of witnesses may be presented either in person or by affidavits.

(f) *Expenses*. No expenses of any nature whatsoever incurred by the petitioner, his counsel, his witnesses, or by any other person on his behalf, shall be paid by the Government.

(g) *Notice of hearing*. If a hearing is granted, the Board shall give a petitioner at least thirty days written notice of the time and the place of the hearing. Such time shall be computed from the time of mailing of the notice. The petitioner may waive such time limit and an earlier hearing date may be set by the recorder.

(h) *Continuances*. A continuance may be granted by the Board on its own motion, or at the request of the petitioner or Government representative, when such continuance appears necessary in order to insure a full and fair hearing.

(i) *Failure of petitioner to appear*. A petitioner who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present and cannot thereafter take exception to the findings or conclusions arrived at in his absence.

(j) *Evidence*. (1) The Board, in its review, shall consider as evidence all available pertinent records of the Navy or Marine Corps, and such evidence as may be submitted by the petitioner and/or his counsel.

(2) Whenever, during a review, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed in the records and in the testi-

mony and other evidence before the Board, the Board may obtain such further evidence as it may consider essential to a fair and impartial understanding of the facts.

(3) The Board shall not be restricted by legal rules of evidence.

(k) *Withdrawal*. The Board may, at its discretion and for good cause shown, permit the petitioner to withdraw his request for review without prejudice at any time before the Board begins its deliberations in closed session.

§ 24.3 *Action by the Board*—(a) *Deliberations*. (1) After a full and fair examination of the evidence, the Board shall deliberate in closed session, and shall be governed in its action by the vote of a majority of the Board.

(2) No persons other than members of the Board shall be present at or participate in its deliberations, except that the recorder may be present.

(3) The findings, conclusions, decisions and orders shall be signed by the chairman and the recorder.

(4) In its deliberations the Board shall be guided by the following principles:

(i) Relevant and material allegations appearing in a specification found proved by a general court martial and the findings of fact of a court of inquiry, board of investigation, or investigation, where petitioner was in the status of a defendant or interested party, as approved by the reviewing authorities, shall be presumed by the Board as established facts. This shall not preclude consideration by the Board of evidence appearing in the record of proceedings of such a court martial or investigative body in determining what correction, if any, should be made in respect to the sentence awarded.

(ii) Relevant and material allegations appearing in a specification to which the petitioner pleaded guilty in a general court martial, or upon being confronted by which the petitioner elected to resign for the good of the service or to accept a discharge, to escape trial by a general court martial, shall be presumed by the Board as established facts unless the petitioner shall show to the Board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him at that time, which was not apparent to the reviewing authority from the face of the record.

(iii) The evidence to be considered will be restricted to that covering relevant and material facts concerning the petitioner's naval service, or his character, conduct, physical condition, or other material matter at the time of his entry into the naval service, during such service, or at the time of separation therefrom.

(iv) In order to warrant a change, correction or modification of an original record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the entry or omission in the record was improper or inequitable under standards of naval law, administration, and practice existing at the time, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made retro-

active. The standards of naval law, administration and practice contemplated in this section are those standards stated in statutes, regulations, bureau manuals, directives of the Navy Department and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General and of the Judge Advocate General of the Navy.

(b) *Findings of facts.* The Board shall make findings of facts in each case which shall include the following:

(1) Type and nature of error of record and/or injustice found.

(2) Authority under which such error of record or injustice occurred.

(3) Circumstances surrounding the error of record or injustice as found by the Board to be established from all the evidence considered. This includes material and relevant facts showing in what specific particulars the original error or injustice was or was not proper or equitable under standards of naval law, administration and practice applicable to the case as defined in paragraph (a) (4) (iv) of this section.

(4) Conduct and character of petitioner during the entire period of his naval service.

(5) Such other facts as may be disclosed which the Board deems necessary and pertinent to the issue in the particular case under consideration.

(c) *Conclusion.* The Board on the basis of its findings, shall prepare conclusions which shall state (1) whether or not any change, correction, or modification should be made in the record, (2) where pertinent, the particular change, correction or modification that should be made, and (3) the reasons why a change, correction or modification should or should not be made. This should not include comments on the actions of others in the naval service. Where such comment is warranted, it should be made the subject of an official communication entirely independent of the petitioner's case.

(d) *Decision.* The Board shall next record its decision. The nature of any change, correction or modification to the record shall be specified with particularity, and such other action shall be taken within the Board's authority as may be deemed necessary to correct insofar as practicable the injustice established.

(e) *Orders.* Written orders based on the decision shall be prepared for transmittal to the proper naval authority.

(f) *Record of proceedings.* (1) When the Board has concluded its proceedings, the recorder shall prepare a complete original record thereof. Such record shall include the petition; a summary of the hearing, if any; affidavits and a list of the papers and documents considered by the Board; and the findings, conclusions, decisions, and orders of the Board. The record will be authenticated by the recorder as being true and complete.

(2) The record of proceedings of the Board and the action transmitting the record to the Secretary of the Navy for action shall not contain recommendations of any character which relate to matters beyond the scope of the Board's authority. To the extent that such

recommendations are warranted, they should be made a matter for separate communication with the departmental agency having cognizance of the subject matter but should not be associated with the records of the petitioner before the Board.

§ 24.4 *Action by the Secretary of the Navy—(a) Transmittal of record.* The original record of the proceedings in each case shall be transmitted forthwith by the chairman of the Board to the Secretary of the Navy for final action.

(b) *Action by the Secretary of the Navy.* (1) The Secretary of the Navy will direct such action in each case as he determines to be appropriate; including the return of the record to the Board for further consideration when deemed necessary.

(2) The procedure of the Board on such further consideration will conform as nearly as practicable to that heretofore prescribed, except that the scope of the action of the Board will be limited to the matters specified by the Secretary of the Navy in the directive ordering such reconsideration.

(3) The Secretary of the Navy, after his final action, will return all records to the Board. The Board will notify the petitioner of the action taken in his case, then return all records to the proper naval authority, for the following administrative acts:

(i) Carry out the orders of the Board in respect to the petition in question.

(ii) Place copies of the Board's orders and of the record of proceedings in the service record of the petitioner, except where the effect of such action would be to nullify the relief granted; in which case the Board's orders and records of compliance therewith shall be placed in a confidential file in the office of the Recorder, as a permanent part of the files of the Secretary of the Navy.

§ 24.5 *The Board—(a) Members.* The Board shall consist of civilian officers or employees of the Navy Department in such number, not less than three, as may be assigned. A majority shall constitute a quorum. In event of the absence or incapacity of the chairman, a vice chairman chosen by the Board shall serve as chairman for all purposes.

(b) *Time and place of meeting.* The Board shall be convened at the call of the chairman and shall recess and adjourn at his order. The Board shall sit at a time and place to be fixed by the chairman.

(c) *Duties—(1) The Board.* (i) The Board shall review, on its own motion or upon the request of an officer, nurse, or enlisted man or woman, or former officer, nurse, enlisted man or woman of the naval service, or, if deceased, by the surviving spouse, next of kin, legal representative or if incompetent, by the guardian, the records in question.

(ii) In the event a hearing is granted and the petitioner does not appear in person or by counsel, the Board shall review the case on the basis of documentary or oral evidence presented by or on behalf of the petitioner and by the Government representative.

(iii) In the event a hearing is granted and the petitioner appears in person or

by counsel, the Board shall assemble to hear evidence offered by or on behalf of the petitioner and by the Government representative. After the conclusion of such hearings, the Board shall, as soon as practicable, arrive at their findings, conclusions and decisions. Based thereon, the Board shall prepare such orders as may be indicated.

(2) *Recorder.* The Recorder is not a member of the Board. He shall: (i) carefully summarize the testimony presented at hearings; (ii) prepare the findings, conclusions, decisions and orders of the Board; (iii) perform such other duties as may be assigned to him by the chairman.

§ 24.6 *Representatives—(a) Government representative.* Upon the written request of the Board, the Judge Advocate General shall designate a Government representative. When a Government representative appears and acts as such before the Board, he may:

(1) Submit to the recorder of the Board a written brief, when considered warranted, analyzing the evidence presented.

(2) In cases where the petitioner is present in person or by counsel, submit pertinent evidence in the Government's behalf in proper documentary form, or through witnesses.

(3) In all cases, when he has knowledge of evidence which would substantiate the petitioner's claim he shall disclose such evidence to the Board.

(b) *Petitioner's representative.* In those instances where the petitioner presents his case by letter and affidavits, the recorder shall act as the petitioner's representative. The petitioner's representative shall:

(1) Submit pertinent evidence in the petitioner's behalf in proper documentary form, or orally.

(2) Submit a written brief, when considered warranted, analyzing the evidence presented.

§ 24.7 *Correspondence.* A request for the correction of an error of record or the removal of an injustice should be addressed to the Secretary of the Navy (Board for the Correction of Naval Records) Navy Department, Washington, D. C.

PART 25—BOARD OF REVIEW, DISCHARGES, AND DISMISSALS OF FORMER PERSONNEL OF THE NAVY AND MARINE CORPS

Sec.

25.1 General provisions; jurisdiction.

25.2 Procedure.

25.3 Action by the Board.

25.4 Review by the Secretary of the Navy.

25.5 The Panel.

25.6 The Board.

25.7 Representatives.

25.8 Correspondence; addressing of requests.

Authority: §§ 25.1 to 25.8, inclusive, issued under sec. 391, 58 Stat. 234; 33 U. S. C. Sup. 639h.

Note: The organization and functions of this Board are found in § 1.4 (d) (9) of this chapter.

§ 25.1 *General provisions; jurisdiction.* (a) In accordance with the Secretary of the Navy's precept of July 22, 1944, the Navy Department Board of Review, Discharges and Dismissals, here-

inafter known as the Board, has been established within the Navy Department to review, upon its own motion, or upon request by or on behalf of the individual former officer or enlisted man or woman, or if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, the type and nature of discharge or dismissal certificate or other documentary evidence of discharge or dismissal of former members of the naval service, except a discharge or dismissal by reason of the sentence of a general court martial. This jurisdiction is construed to include every separation from the naval service, irrespective of the manner evidenced or brought about, except separations by reason of the sentence of a general court martial.

(b) The scope of the review shall be to determine whether, under reasonable standards of naval law and discipline, the type and nature of the discharge or dismissal should be changed, corrected or modified, and, if so, to decide what change, correction or modification should be made.

(c) The Board has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

§ 25.2 *Procedure*—(a) *Request for review*. (1) The petitioner should submit a written request for a review to the Board, with the certificate of discharge or dismissal in question, if available, and such other statements or affidavits as he desires to present.

(2) The request should state in brief: (i) The type of discharge or dismissal received; (ii) the full name, former rank or rating and the service or file number of the person whose discharge or dismissal is in question; (iii) the place to which any notices in connection with the review may be sent; (iv) the basis of the claim for review; (v) what action is desired of the Board; and (vi) whether the petitioner desires the review on basis of petition and accompanying papers or whether he desires to appear in person before the Board and/or be represented by counsel. (If counsel is desired, the petitioner should designate such counsel by name.)

(3) When the request for review is submitted by a surviving spouse, next of kin, legal representative or guardian, satisfactory evidence of the required relationship must be submitted.

(4) No request for review of a discharge or dismissal shall be valid unless filed within fifteen years after such discharge or dismissal or within fifteen years from June 22, 1944, whichever be the later.

(b) *Review on own motion*. (1) The Board shall not conduct a review on its own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin, legal representative or guardian, by registered mail, return receipt requested.

(2) Such notice shall state that a review of the type and nature of this discharge or dismissal is to be held by the Board, and shall advise the addressee of

his right to appear before the Board, in person or by counsel, and to present evidence before the Board in the manner herein prescribed.

(c) *Methods of presenting case*. (1) The petitioner may present his case:

(i) By letter with certificate of discharge or dismissal, if available and affidavits.

(ii) In person, with or without counsel.

(iii) By counsel.

(2) Upon application in person at the office of the Board of Review, the Board may furnish to a petitioner or his counsel such information from the official records pertaining to a discharge or dismissal as may be necessary in order to permit of a fair and impartial review. However, classified matter of the Navy Department will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the Board will obtain and make available to the petitioner or his counsel such summary of the classified matter as may be in the judgment of the Board relevant to the case and as will not be incompatible with the public interest.

(d) *Counsel*. The term "counsel," as used herein, shall include members of the bar in good standing and accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031, 38 U. S. C. 101).

(e) *Witnesses*. (1) The Board shall require that all testimony be given under oath or by affirmation.

(2) Witnesses shall be subject to examination and/or cross-examination as appropriate, by the Members of the Board, the petitioner, his counsel, or by the Government Representative.

(3) The testimony of witnesses may be presented either in person or by affidavits.

(f) *Expenses*. No expense of any nature whatsoever incurred by the petitioner, his counsel, his witnesses, or by any other person on his behalf, shall be paid by the Government.

(g) *Notice of hearing*. The Board shall give a petitioner at least thirty days' written notice of the time and the place of the hearing. Such time shall be computed from the time of mailing of the notice. The petitioner may waive such time limit and an earlier hearing date may be set by the Secretary of the Panel.

(h) *Continuances*. A continuance may be granted by the Board on its own motion, or at the request of the petitioner or Government Representative, when such continuance appears necessary in order to insure a full and fair hearing.

(i) *Failure of petitioner to appear*. A petitioner who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present and cannot thereafter take exception to the findings or conclusions arrived at in his absence.

(j) *Evidence*. (1) The Board, in its review, shall consider as evidence all available records of the Navy Department, the Marine Corps or the Coast Guard, together with such evidence as may be submitted by the petitioner and/or his counsel. Whenever, during a review, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed in the records of the Navy Department and in the testimony and other evidence before the Board, the Board may obtain such further evidence as it may consider essential to a fair and impartial understanding of the facts.

(2) The Board shall not be restricted by legal rules of evidence.

(k) *Records*. Records of the Board shall be open to the Veterans' Administration.

(l) *Withdrawal*. The Board may, at its discretion and for good cause shown, permit the petitioner to withdraw his request for review without prejudice at any time before the Board begins its deliberations.

§ 25.3 *Action by the Board*—(a) *Deliberations*. (1) After a full and fair review of the evidence, the Board shall deliberate in closed session, and shall be governed in its action by the vote of a majority of the Board.

(2) No persons other than members of the Board shall be present at or participate in its deliberations.

(3) Members not concurring may file a minority report.

(4) The findings, conclusions, decision and order shall be signed by the concurring majority members.

(5) In its deliberations a Board shall be guided by the following principles:

(i) Relevant and material facts concerning the petitioner found by a general or summary court martial, or by a court of inquiry or board of investigation where petitioner was in the status of a defendant or interested party, as approved by the reviewing authorities, shall be presumed by the Board as established facts in the absence of manifest error.

(ii) Relevant and material facts stated in a specification to which the petitioner pleaded guilty before a general or summary court martial, or where upon being confronted by such a specification the petitioner elected to resign for the good of the service or to accept a discharge to escape trial by a general court martial, shall be presumed by the Board as established facts, in the absence of manifest error, or unless the petitioner shall show to the Board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him at the time which was not apparent to the reviewing authority from the face of the record.

(iii) A document evidencing separation from the naval service relates only to such naval service. Accordingly, the evidence to be considered will be restricted to that covering relevant and material facts concerning petitioner's naval service, or his character, conduct, physical condition, or other material matter at the time of his entry into the naval service, during such naval service

or at the time of separation therefrom (which appear in available records of the Navy Department and in testimony and other evidence before the Board).

(iv) In order to warrant a change, correction or modification of the original document evidencing separation from the naval service, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the original document was improperly or inequitably issued under standards of naval law and discipline existing at the time of such original separation, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made retroactive specifically to separations of the type and character had by the petitioner. The standards of naval law and discipline herein contemplated are those standards stated in statutes, regulations, bureau manuals, directives of the Navy Department and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, and of the Judge Advocate General of the Navy.

(b) *Findings of facts.* The Board shall make findings of facts in each case which shall include the following:

(1) Type and nature of discharge or dismissal certificate or other documentary evidence of discharge or dismissal which was issued to the person concerned upon separation from the naval service.

(2) Authority under which discharge or dismissal was issued.

(3) Circumstances surrounding the discharge or dismissal as found by the Board to be established from all the evidence considered. This includes material and relevant facts showing in what specific particulars the original discharge or dismissal certificate was or was not proper or equitable under standards of naval law and discipline applicable to the case as defined in paragraph (a) (5) (iv) of this section.

(4) Conduct and character of petitioner during the entire period of his naval service in the enlistment or other service period which was terminated by the discharge or dismissal under consideration.

(5) Such other facts as may be disclosed that are necessary and pertinent to the issue in any particular case.

(c) *Conclusion.* The Board, on the basis of its findings, shall prepare conclusions which shall state (1) whether or not any change, correction, or modification should be made in the type or character of the discharge or dismissal given, (2) where pertinent, the particular change, correction or modification that should be made, and (3) the reasons why a change, correction or modification should or should not be made. This should not include comments on the actions of others in the naval service. Where such comment is warranted, it should be made the subject of an official communication entirely independent of petitioner's case.

(d) *Decision.* The Board shall next record its decision. The nature of any change, correction or modification to a certificate of discharge or dismissal shall be specified with particularity. The type

and character of document evidencing discharge, dismissal, or other separation which may be adjudged shall be that form of separation certificate in use at the time of petitioner's separation from the naval service which the petitioner would have received had he been given a proper form of separation certificate at that time.

(e) *Order.* A written order based on the decision shall be prepared for transmittal to the Chief of Naval Personnel, the Commandant of the Marine Corps or the Commandant, U. S. Coast Guard, as appropriate.

(f) *Record of proceedings.* (1) When the Board has concluded its proceedings, the Secretary of the Panel shall prepare a complete original record thereof. Such record shall include the request for review, a transcript of the hearing, if any, affidavits, papers and documents considered by the Board; all briefs and written arguments filed in the case; the findings, conclusions, decision and order of the Board; any minority report prepared by dissenting members of the Board, and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record will be authenticated by the Secretary of the Panel as being true and complete.

(2) The record of proceedings of the Board and the action transmitting the record to the Secretary of the Navy for review shall not contain recommendations of any character which relate to matters beyond the scope of the Board's authority. To the extent that such recommendations are warranted, they should be made a matter for separate communication with the departmental agency having cognizance of the subject matter but should not be associated with the records of the petitioner before the Board.

§ 25.41-Review by the Secretary of the Navy—(a) *Transmittal of record.* The original record of the proceedings in each case shall be transmitted forthwith by the President of the Board of Review, Discharges and Dismissals, to the Secretary of the Navy for final review.

(b) *Action by the Secretary of the Navy.* (1) The Secretary of the Navy will direct such action in each case as he determines to be appropriate, including the return of the record to the Board for further consideration when deemed necessary.

(2) The procedure of the Board on such further consideration will conform as nearly as practicable to that heretofore prescribed, except that the scope of the action of the Board will be limited to the matters specified by the Secretary of the Navy in the directive ordering such reconsideration.

(3) The Secretary of the Navy, after his final action, will return all records to the Board of Review. After recording the final action in the journal, the Board will notify the petitioner of the action taken in his case, then forward all records to the Chief of Naval Personnel, Commandant of the Marine Corps, or Commandant, U. S. Coast Guard, whichever the case may be, for the following administrative acts:

(i) Carry out the order of the Board of Review in respect to the discharge or dismissal in question.

(ii) Place copies of the Board's order and of the record of proceedings in the service record. A reference shall be made in the copy of the Board's report of all enclosures or exhibits which are to be filed elsewhere.

(iii) Place all records in their proper files for safe custody.

§ 25.5 The Panel—(a) *Members.* (1) The Panel shall consist of all members of the several Boards of Review and of all officers detailed to the Office of the Board of Review.

(2) Members of the Panel shall report to and be responsible to the President of the Panel.

(b) *Changes in.* Additions to and other changes in the membership of the Panel shall be made as circumstances warrant, with the approval of the Secretary of the Navy.

(c) *Meetings.* Meetings of the Panel may be called by the President of the Panel. The Panel will meet in Washington at such times and places as designated by the President.

(d) *Administrative regulations.* The Panel shall, from time to time, initiate such changes in the Administrative regulations and procedures as may be deemed advisable, for the approval of the Secretary of the Navy.

(e) *Duties of Panel officers—*(1) *President.* (i) The President of the Panel shall, from time to time, constitute Boards charged with the review functions over discharges and dismissals of Navy, Marine Corps and Coast Guard personnel, as required by section 301 of Public Law 346, 78th Congress.

(ii) He shall designate a Secretary for the Panel, Records for each of the several Boards, and the Government and Petitioner's Representatives.

(iii) He shall make provision for close liaison between the Army and Navy to include periodic joint conferences to discuss common problems and to study results of action taken.

(iv) He shall maintain close contact with the Veterans' Administration.

(v) He shall report to and be responsible to the Secretary of the Navy.

(vi) He shall prepare an annual report of the activities of the Panel and of the Boards for submission to the Secretary of the Navy.

(vii) In the absence or incapacity of the President, the next senior member of the Panel will serve as acting President for all purposes.

(2) *Secretary.* (i) The Secretary shall examine requests for review and, when necessary, obtain from the petitioner or from the records of the interested bureau or service, such additional data as may be required to furnish complete information to the Board.

(ii) He shall keep the minutes of the Panel.

(iii) He shall keep a docket of pending petitions, and record of completed reviews.

(iv) He shall assign petitions to appropriate Board for review.

(v) He shall maintain custody of all records and documents transmitted to or filed with the Board.

(vi) He shall perform such other duties as may be prescribed by the President of the Panel.

§ 25.6 *The Board*—(a) *Members.* A Board of Review shall consist of five members and at least three of the five members of each Board should belong to the branch of the naval service (Navy, Marine Corps or Coast Guard) from which the person whose case is being reviewed was discharged or dismissed. In event of the absence or incapacity of the chairman, the next senior member of the Board shall serve as chairman for all purposes. Alternates shall be named for each Board in order to assure full membership at all times.

(b) *Reporter.* The reporter shall record the testimony of witnesses and the proceedings of a board. He shall prepare a written transcript of the proceedings in manner and form as directed by the chairman of the Board.

(c) *Time and place of meetings.* The Boards shall be convened at the call of the President of the Panel and shall recess and adjourn at his order. The Boards shall sit at a time and place to be fixed by the President of the Panel.

(d) *Duties*—(1) *Board.* (i) The Board shall review, on its own motion or upon the request of a former officer or enlisted man or woman or, if deceased, by the surviving spouse, next of kin, legal representative or guardian, the type and nature of the discharge or dismissal in question.

(ii) In the event the petitioner does not appear in person or by counsel, the Board shall review the case on the basis of documentary or oral evidence presented by or on behalf of the petitioner and by the Government Representative.

(iii) In the event the petitioner appears in person or by counsel, the Board shall assemble to hear evidence offered by or on behalf of the petitioner and by the Government Representative. After the conclusion of such hearings, the Board shall, as soon as practicable, arrive at their findings, conclusions and decision. Based thereon, the Board shall prepare its order to the Service concerned.

(2) *Senior member.* The Senior member of a Board shall serve as chairman thereof and shall rule upon matters of evidence and procedure. He may be overruled by a majority vote.

(3) *Recorder.* The Recorder is a member of the Board. He shall:

(i) Carefully summarize the testimony presented at hearings.

(ii) Prepare the findings, conclusions, decision and order of the Board.

(iii) Perform such other duties as may be assigned to him by the President of the Panel.

§ 25.7 *Representatives*—(a) *Government Representative.* When a Government Representative appears and acts as such at a review he may:

(1) Submit to the Recorder of the Board a written brief, when considered warranted, analyzing the evidence presented.

(2) In cases where the petitioner does not request to be present in person or by counsel, submit pertinent evidence in the Government's behalf in proper documentary form, or orally.

(3) In all cases, when he has knowledge of evidence which would substantiate the petitioner's claim, he shall disclose such evidence to the Board.

(b) *Petitioner's Representative.* In those instances where the petitioner presents his case by letter and affidavits, a member of the Panel, who is not a member of the Board reviewing the case, will be appointed to act as the Petitioner's representative. The Petitioner's Representative shall:

(1) Submit pertinent evidence in the petitioner's behalf in proper documentary form or orally.

(2) Submit to the Recorder of the Board a written brief, when considered warranted, analyzing the evidence presented.

§ 25.8 *Correspondence; addressing of requests.* A request for review of a discharge or dismissal with the view of having it changed, corrected or modified should be addressed to:

The Secretary of the Navy
(Board of Review, Discharges and Dismissals)
Navy Department, Washington, D. C.

A request for other purposes, such as permission to reenlist, should be addressed to the appropriate address indicated below, depending on whether the person in question was formerly in the U. S. Navy U. S. Marine Corps or U. S. Coast Guard:

The Chief of Naval Personnel, Navy Department, Washington, D. C.
The Commandant of the Marine Corps, Washington, D. C., or
The Commandant, U. S. Coast Guard, Washington, D. C.

PART 30—PROCUREMENT OF MATERIAL

NOTE: See Part 31 of this chapter.

PART 31—NAVY PROCUREMENT REGULATION

NOTE: The Navy Procurement Regulation is in process of being drafted at the present time. Parts 30 and 31 will be published in due course after approval of the Navy Procurement Regulation.

PART 32—DISPOSITION OF PROPERTY

Sec.

32.1 General.

32.2 Dispositions under the Surplus Property Act.

32.3 Disposals under certain statutes.

AUTHORITY: §§ 32.1 to 32.3, inclusive, issued under 22 Stat. 296, 599, 29 Stat. 133, 39 Stat. 559, 45 Stat. 1430, 49 Stat. 1195, 54 Stat. 712, 55 Stat. 838, 58 Stat. 189, 223, 765, sec. 204, 59 Stat. 132, Pub. Law 649, 79th Cong., 34 U. S. C. 491, 492, 546, 522, 546b, 14 U. S. C. 43a, 50 U. S. C. App., Sup., 1171, 611, 1301-1303, 1611.

§ 32.1 *General.* (a) The Navy Department, as an "owning agency" under the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C., App., Sup., 1611) and regulations issued thereunder by War Assets Administration, is authorized to dispose of certain of its property in accordance with such regulations. The Navy Department is also authorized to sell, transfer and otherwise dispose of vessels and other property under statutory authority other than the Surplus Property Act.

(b) This part is set forth for the purpose of indicating the bureaus, offices, or activities of the Navy Department and their general procedures in respect to disposition of naval property.

(c) The Navy Department has found it convenient to issue six comprehensive regulations covering disposition of all naval property as follows: The Army-Navy Joint Termination Regulation (10 CFR Supps. Chapter VIII, Subchapter C) and Navy Property Redistribution and Disposal Regulations Nos. 1 through 5, inclusive. The Bureau of Supplies and Accounts manuals contain information for the guidance of field personnel with particular reference to procedures governing sales of scrap, salvage and waste materials and small lots. All of the publications reflect the rules and requirements of applicable regulations issued by the War Assets Administration and the requirements of statutes covering dispositions other than those authorized pursuant to the Surplus Property Act. Access may be had to these publications through the Office of the Under Secretary of Navy, Material Division, Washington 25, D. C., at the Offices of the Commandants of the several Naval Districts, and at the Offices of the Supervising Inspectors of Naval Material (Property Disposal Division).

(d) The Chief of the Material Division, Office of the Under Secretary of Navy, is charged with the over-all responsibility for disposition of naval property and general inquiries for information should be addressed to the Material Division, Office of the Under Secretary of the Navy, Washington 25, D. C. Inquiries with respect to specific Navy property may be addressed to the Technical Bureau cognizant thereof or to the pertinent local selling activity referred to below.

§ 32.2 *Dispositions under the Surplus Property Act.* Dispositions of surplus property by the Navy Department authorized by the Surplus Property Act of 1944 and the regulations issued thereunder are of the following general types. Such dispositions are in each instance governed by the conditions and limitations imposed by and the procedure established under the applicable regulations of War Assets Administration and the property disposition publications referred to in § 32.1.

(a) *Waste, scrap, and salvage.* (1) Sales are made by the authorized selling activities listed in paragraph (g) of this section on the basis of competitive bids except in those exceptional cases (such as educational institutions) where it has been determined that it would be in the best interest of the Government to make disposition by negotiated sale, in which case such property may be disposed of at the best price obtainable. Purchasers may be required to warrant against use of property to be scrapped where appropriate in the public interest.

(2) Under the provisions of Pub. Law 520, 79th Cong., and War Assets Administration Regulation No. 17, as amended (32 CFR. Supps. Part 8317), the Navy Department may be from time to time directed to sell certain surplus strategic and critical materials, in lieu of reporting such materials for disposition by the

Reconstruction Finance Corporation. For example, the Navy Department has been directed by the Reconstruction Finance Corporation to sell the following types of strategic materials when available at any one location within the continental limits of the United States, at any given time in excess of 50,000 pounds: cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases (new or demilitarized) fired cases or remelt ingot, gilding metal mill forms or remelt ingot. In making such sales, Navy Department selling activities are required by Amendment No. 2, War Assets Administration Regulation No. 17 (12 F. R. 3221) to be guided by recommendations of the Office of Materials Distribution, Department of Commerce, as to eligible bidders and quantities. Persons, firms or corporations wishing to purchase strategic materials offered for sale by the Navy Department, should make application in writing for recommendation as to eligibility to bid directly to the Office of Materials Distribution, Department of Commerce, Washington, D. C. In general recommendations will be made to sell only to brass mills, wire mills, smelters and refiners, in quantities sufficient to satisfy an immediate 30-day operating period.

(b) *Worthless property.* Navy contractors may be authorized to sell for the account of the Government worthless property resulting from the termination or run-out of war contracts and the Navy Department may itself donate property which has no commercial value, or property the estimated cost of the care, handling and disposition of which would exceed the estimated proceeds of its sale to Federal or State supported agencies or institutions and to non-profit educational or charitable institutions. Except where military necessity or the public health or safety otherwise requires, no naval activity may destroy or abandon property until efforts to donate such property have failed.

(c) *Small lots.* The Navy Department may sell, or permit the retention or sale by a contractor of any item or group of items or property as provided in and constituting "small lots" under Regulation 9 of the War Assets Administration (32 CFR, Supps. Part 8309)

(d) *Contractor inventory.* Government-owned property resulting from the termination or run-out of war contracts in the possession of contractors of the Navy Department may be retained or sold by the contractor for the account of the Government.

(e) *Facilities and plant equipment.* The Navy Department may under applicable regulations of War Assets Administration sell facilities, including improvements to land, and plant equipment which are located in a war contractor's plant to the contractor in possession thereof. Improvements on leased land, both industrial and non-industrial, may be disposed of by sale, transfer, demolition or abandonment.

(f) *Foreign areas.* In foreign areas (outside the continental United States, its territories or possessions) the Navy Department, acting through its Area Commander, is authorized to make di-

rect disposition of scrap, salvage and waste property, and of subsistence and other property whenever such disposition is, in the judgment of the Area Commander, necessary to avoid spoilage or loss through rapid deterioration.

(g) *Conduct of sales.* (1) With respect to facilities, improvements to land and plant equipment, Contracting Officers within the several Bureaus are authorized to negotiate and sell such property to the contractor in possession at prices determined to be fair and reasonable, subject to the review and approval of review boards established within the several Bureaus in cases of sale involving property which cost in excess of \$25,000 (excepting items sold under the formula established by War Assets Administration Regulation 13; 32 CFR, Supps., Part 8313) Sales of other classes of property which the Navy Department as an owning agency has authority to sell under the Surplus Property Act of 1944 are effected by the Supply Officer at authorized selling activities. Such authorized selling activities are as follows:

Naval Shipyards

Portsmouth, N. H.
New York, N. Y.
Philadelphia, Pa.
Charleston, S. C.
Puget Sound, Wash.
Boston, Mass.
Portsmouth, Va.
Mare Island, Calif.
San Francisco, Calif.

Naval Supply Depots

Newport, R. I.
Bayonne, N. J.
Mechanicsburg, Pa.
San Diego, Calif.
Scotia, N. Y.
Oakland, Calif.
Clearfield, Utah.
Spokane, Wash.
Seattle, Wash.
San Pedro, Calif.
Norfolk, Va.
Great Lakes, Ill.

Naval Air Stations

Quonset Point, R. I.
Corpus Christi, Tex.
Alameda, Calif.
Seattle, Wash.
Lakehurst, N. J.
Jacksonville, Fla.
Miami, Fla.
Pensacola, Fla.
San Diego, Calif.
Dallas, Tex.
Patuxent River, Md.
Olathe, Kansas.

Authorized Selling Activities Marine Corps

Marine Corps Depot of Supplies, Philadelphia, Pa.
Marine Corps Depot of Supplies, San Francisco, Calif.
Depot Quartermaster, Marine Barracks, Quantico, Va.
Depot Quartermaster, Marine Corps Recruit Depot, Parris Island, S. C.
Marine Corps Supply Depot, Camp Lejeune, N. C.
Marine Corps Supply Depot, Camp Joseph H. Pendleton, Oceanside, Calif.
Marine Corps Base, San Diego, Calif.

Marine Corps Air Stations Designated by Commandant of the Marine Corps

Naval Supply Officers, Marine Corps Air Station, Cherry Point, N. C.
Naval Supply Officer, Marine Corps Air Station, El Toro, Calif.

Other Naval Activities

Naval Academy, Annapolis, Md.
Naval Powder Factory, Indian Head, Md.
Naval Torpedo Station, Newport, R. I.
Submarine Base, New London, Conn.
Naval Aviation Supply Depot, Oxford Avenue and Martin's Mill Road, Philadelphia, Pa.
Naval Ammunition Depot, Crane, Ind.
U. S. Naval School, Academy and College Preparatory, Bainbridge, Md.
Naval Air Technical Training Center, Memphis, Tenn.
Naval Station, New Orleans, La.
Advance Base Depot, Fort Hueneme, Calif.
Naval Gun Factory, Naval Base, Washington, D. C.
Naval Clothing Depot, Brooklyn, N. Y.
Naval Ammunition Depot, Hastings, Nebr.
Naval Ammunition Depot, McAlester, Okla.
Submarine Base, Key West, Fla.
Administrative and Disestablishment Unit, Davisville, R. I.
Naval Station, Tongue Point, Astoria, Ore.
Naval Storehouse, Gulfport, Miss.

Sales by the above listed activities are made customarily by competitive bid, invitations being solicited verbally, by sales letter or by sales catalog. A deposit, generally 25% of the amount bid, is required of each bidder. Where, within permissible limits, negotiated sales are conducted, invitations are solicited informally without the preparation of catalogs or the formal opening of bids on a specified date.

(2) In foreign areas sales are conducted by the Supply Officer of any regularly organized Supply Department or by persons delegated authority by him with the approval of the Area Commander. Ordinarily sales are made by competitive bid although negotiated sales may be made provided that the fair value of the property is obtained. Sales involving less than \$100,000 but more than \$10,000 must be approved by the Area Commander, and sales involving in excess of \$100,000 must in addition be approved by the Material Division of the Office of the Assistant Secretary of the Navy. No local sales in foreign areas may be made of weapons, ammunition, combat material or classified items without prior approval of the Chief of Naval Operations, nor may any material processed, produced or donated by the American Red Cross be disposed of by sale.

§ 32.3 *Disposals under special statutes.* In addition to the authority to dispose of surplus property under the Surplus Property Act of 1944 and the procedures in connection therewith, all as referred to and described in § 32.2, the Navy Department has further authority to make dispositions of its property, including leasing for commercial purposes, transfers to other Government agencies and loans or donations of specified property, under several Acts of Congress. Such dispositions are under the direction of the Chief of the Material Division, Office of the Assistant Secretary of the Navy, and inquiries in respect of such property or types of disposition should be directed to The Material Division, Office of the Assistant Secretary of the Navy, Washington 25, D. C.

Disposals under such special Acts of Congress fall into four main categories: disposition to other Government agencies; disposition in the public interest or in the interest of national defense; disposition of certain vessels, and miscellaneous dispositions.

(a) *Disposition to other Government agencies.* The Navy Department is authorized to transfer such of its property as may be excess to the Veterans Administration, U. S. Soldiers Home, Civil Aeronautics Administration, National Housing Administration, the War Department, Coast Guard and other Federal Agencies within the limitations of and in accordance with applicable statutes. Such transfers are made upon application by the Governmental department or agency concerned and are governed by the appropriate statutory requirements.

(b) *Disposition in the public interest or in the interest of national defense.* The Navy Department is authorized to grant for a monetary rental revocable right to use real and personal property, not surplus to the needs of the Navy within the meaning of the Surplus Property Act of 1944 (58 Stat. 765) and not for the time required, for public use. Each lease shall be for periods not exceeding five years unless the Secretary of the Navy determines that a longer period will promote the national defense or will be in the public interest. The Navy Department may also transfer, sell or otherwise dispose of real and personal property where such transfer, sale or other disposition has been determined to be in the interest of national defense. The authority of the Secretary of the Navy to make and execute such leases or contracts of sale is based upon the Act of July 2, 1940, Section I of Public Law 703—76th Congress (54 Stat. 812) as made applicable to the Navy Department by Executive Order 9262 dated November 5, 1942 (3 CFR, Cum. Supp.) and the Act of August 5, 1947, Public Law 364—80th Congress. Prior to the licensing, or leasing or other disposition of real property by the Navy Department, approval of the Armed Services Committees of Congress is required (58 Stat. 189).

(c) *Disposition of certain vessels.* Combatant vessels are excluded from the Surplus Property Act of 1944 and are disposed of only under the Acts of August 5, 1882, and March 3, 1893 (22 Stat. 296, 599; 34 U. S. C. 491, 492), Executive Order 9641, dated 15 October 1945 (3 CFR, 1945 Supp.) and Article 1897 of Navy Regulations, after a material survey has shown such a vessel to be unfit (not merely no longer needed) for further naval service and it has been stricken from the Navy Register. Combatant vessels include battleships, cruisers, aircraft and escort carriers, destroyers and destroyer escorts, submarines, uncompleted hulls, or other vessels converted by the Navy from any of the above types.

(1) When the Secretary of the Navy has determined that a combatant vessel shall be sold, the Navy Vessel Disposal Office may offer such vessel for sale for the purposes of scrapping or for use and on such conditions as may be determined in each case. If sale of the vessel as such is not feasible, arrangements may be made by the Bureau of Ships for demolition of the vessel and sale by an authorized selling activity of the resulting materials as scrap, salvage, or usable property, as may be appropriate.

(2) Surplus noncombatant naval vessels are reported by the Navy Department

to the appropriate disposal agency for disposition, but the Navy has been designated the disposal agency for frigates and eagles (patrol vessels) located in the continental United States and not subject to 58 Stat. 223; 50 U. S. C., App., Sup. 1301—1303 (requiring certain vessels to be reported to U. S. Maritime Commission for return to the former owners on the conditions stated in such law)

(d) (4) *Miscellaneous dispositions—*
(1) *Exchange of property.* Pursuant to sec. 204, 59 Stat. 132, the Navy Department is authorized to exchange in part payment for new equipment of the same or similar character certain types of automotive property and equipment and office machines.

(2) *Disposal of property to Sea Scouts.* Obsolete property may be donated, and other excess property sold at a fair price, to the Sea Scouts under the authority of the Act of March 1, 1929 (45 Stat. 1430; 34 U. S. C. 546b) and the Act of April 10, 1936 (49 Stat. 1195; 14 U. S. C. 43a)

(3) *Donations to schools, colleges and universities approved by the Federal Security Agency.* The Navy Department is authorized to make donations to properly accredited schools, colleges and universities which, pursuant to War Assets Administration Regulations Nos. 4 and 19 (32 CFR, Supps., Parts 8304 and 8319) have received the approval of the Federal Security Agency (U. S. Office of Education) Such donations are limited to excess or obsolete boats and boat equipment, obsolete airborne electronics and radar equipment, and excess or obsolete machinery, mechanical equipment or tools common to the manual or mechanical arts or trades or commonly used by schools giving instruction therein. Such donations may be made only for purposes of actual instruction in courses of vocational training, or in aeronautical courses in the case of aeronautical property. In accordance with arrangements effected with the U. S. Office of Education applications for Navy donable property should be directed to the field representative of the U. S. Office of Education (Federal Security Agency) nearest the applicant.

(4) *Loans or donations of condemned or obsolete material of historical interest for memorial purposes.* Pursuant to 29 Stat. 133; 34 U. S. C. 546, the Secretary of the Navy is authorized to loan or donate condemned or obsolete ordnance, guns, projectiles, books and other similar condemned or obsolete materials of historical interest to municipal corporations, soldiers monument associations, posts of war veterans associations, war battle associations, state museums and incorporated non-profit museums intended for educational purposes. Requests for such donations are subject to the approval of the Curator for the Navy.

(e) *Approval by Congress of certain loans and gifts.* Pursuant to Pub. Law 649, 79th Cong., certain vessels, captured, condemned, or obsolete ordnance, guns, projectiles, books, manuscripts, works of art, drawings, plans, models and other condemned or obsolete material, trophies, flags and other material of historical interest which may not be needed in service of the Navy Department, may be trans-

ferred by gift or otherwise, *Provided, however* Such transfers shall not take effect until information of the proposal to make such transfer, loan or gift has been transmitted to the Congress and the Congress has not disapproved of the transfer as provided in Pub. Law 649, 79th Cong.

PART 33—THE PATENT ROYALTY REVISION BOARD

Sec.

33.1 Statutory authority.

33.2 Hearing.

33.3 Fair and just rates and amounts of royalties payable for an invention.

AUTHORITY: §§ 33.1 to 33.3, inclusive, issued under sec. 8, 56 Stat. 1014; 35 U. S. C., Sup. 96.

§ 33.1 *Statutory authority.* The organization and functions of this Board, together with its delegations of authority, are found in § 1.4 (b) (4) of this chapter. The procedures of the Board are governed by the pertinent provisions of the Royalty Adjustment Act of 1942 (56 Stat. 1013; 35 U. S. C., Sup., 89—96)

§ 33.2 *Hearing.* (a) The hearing itself is informal and opportunity is afforded the parties involved to be heard in person, by their attorneys, or to present in writing such evidence, memoranda or briefs as have a bearing on the issues involved.

(b) Prior to the hearing itself and wherever practicable every effort will be made to compromise on a voluntary basis any royalty believed to be unreasonable or excessive.

§ 33.3 *Fair and just rates and amounts of royalties payable for an invention.* In determining what are fair and just rates and amounts of royalties payable for an invention, the Board takes into consideration the following factors:

(a) The conditions of wartime production.

(b) The production and use of the invention prior to any increase due to wartime procurement, including—

- (1) Any established royalty rate;
- (2) The volume on which royalty was paid;
- (3) The yearly aggregate royalty paid; and

(4) The circumstances under which the licensing and the establishment of the royalty rate occurred.

(c) The character of the invention and any patent protection therefor, the value of its contribution to the art in which it is used, and the character and expense of research and development that have been devoted to the invention.

(d) The extent of use and proposed use of the invention by other departments or agencies of the Government and the amounts of royalties involved in the aggregate in such use.

(e) All other considerations which are ordinarily and properly taken into account in determining fair and just royalties or which appear to be appropriate to the particular case.

(f) Any person desiring to communicate with the Board should address his letter as follows: Patent Royalty Revision Board, Navy Department, Washington 25, D. C., Attention: Office of Naval Research.

(g) The following form of notice is approved for use subject to such deviations as may be appropriate:

NOTICE

In the Matter of

----- (et al.)

Licensor(s)

and

----- (et al.)

Licensee(s)

To: Licensor(s) and Licensee(s) You are each of you will hereby take notice, that:

Pursuant to the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U. S. C. 89-96), NOTICE IS HEREBY GIVEN that the royalties which are charged or chargeable directly or indirectly to the Navy Department on account of the manufacture, use or sale to or for the United States of the alleged inventions relating to

(subject-matter) -----, by virtue of the license agreement(s) between -----, as licensor, and the following licensees, are believed to be unreasonable or excessive:

(Name of all licensees)

This Notice becomes effective upon its receipt by you or five (5) days after the mailing hereof, whichever date is the earlier.

The licensor or any licensee, if he so requests within ten (10) days from the effective date of this Notice, may within thirty (30) days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts or royalties, if any, to be determined, fixed and specified.

From and after the effective date of this notice and until the making of an order under said Act, each licensee is hereby directed (a) not to pay to licensor any royalties under said license(s) which are charged or chargeable directly or indirectly to the Navy Department and (b) to segregate said royalties from licensee's general funds and safely keep the same until such time as the disposition thereof is directed by such order.

(Signature

(and title) of delegate)

The foregoing Notice is directed to the following:

(Names and addresses of all licensors and licensees)

The foregoing notice is required to be mailed to the last known address of the licensor and the licensee and to other known interested parties, if any.

(h) The following form of order is approved for use subject to such deviations as may be appropriate:

NAVY DEPARTMENT

WASHINGTON

ROYALTY ADJUSTMENT ORDER NO. N-

In the Matter of

(Insert name of each Licensor) Licensor(s),

and

(Insert name of each Licensee) Licensee(s)

Navy Department Contract Nos.

(Insert the identifying number of each Navy Department contract, if ascertained, which it is believed will be affected by the order; if no contract is ascertained, omit the above heading.)

Contractor:

(Insert names of Contractors in respect of each of the above identified contracts; if no contract is identified, omit the above heading.)

Whereas, pursuant to authority contained in the Royalty Adjustment Act 1942, Public No. 768, 77th Cong.; 35 U. S. C. 89-96, written notice was given on or about the -----

(Insert date of notice) to ----- (Insert

name of each licensor) ----- (Individually

and collectively hereinafter called "Licen-

sor") and to ----- (Insert name of each

licensee) ----- (Individually and collec-

tively hereinafter called "Licensee") that

the royalties, provision for the payment of

which by Licensee to Licensor is included in

the (license(s) dated -----) (license

specified in Column 4 of Schedule A annexed

hereto and by this reference made a part

hereof, and which said royalties are charged

or chargeable directly or indirectly to the

Navy Department for or on account of the

manufacture, use or sale to or for the United

States of certain alleged inventions (pertain-

ing to -----) (specified in Columns 1, 2

and 3 of said Schedule A), were believed to

be unreasonable or excessive, and that until

the making of an order herein no royalties

were to be paid by Licensee to Licensor under

the license(s) above referred to which are

charged or chargeable directly or indirectly

to the Navy Department, and

Whereas, Licensor, and Licensee, upon their

request, have presented in writing and in

person such facts and circumstances as they

desired having a bearing upon the rates or

amounts of royalties to be determined, fixed

and specified by order pursuant to said Act:

Now, therefore, pursuant to the authority

of and for the purposes set forth in said Act,

and upon taking into account the facts and

circumstances presented as aforesaid, the

conditions of wartime production, and such

other facts and circumstances as are proper

to be considered in determining a fair and

just rate or amount of royalties in the prem-

ises, it is hereby Ordered as follows, viz:

(1) That fair and just rates or amounts of

royalties for the manufacture, use, sale or

other disposition to or for the Navy Depart-

ment of the said alleged inventions are

hereby determined, fixed and specified to

be (-----) (the rates or amounts set

forth in Column 5 of said Schedule A);

(2) That until further order, Licensee is

hereby authorized to pay to Licensor, on ac-

count of the manufacture, use, sale or other

disposition of said alleged inventions to or

for the Navy Department heretofore occurred,

or hereafter occurring while Sections 1 and 2

of said Act remain in force, royalties, if any,

at the rates or in the amounts determined,

fixed and specified in paragraph (1) hereof,

and no more, under

(a) The said Licensee(s) (dated -----)

(identified in Column 4 of said Schedule A),

(and)

(b) Any license between them, entered

into on or after the effective date of said

notice and so long as Sections 1 and 2 of

said Act remain in force, which in any re-

spect continues, supplements, modifies or supercedes (the license) (any of the licenses) referred to in subparagraph (a) hereof, (and

(c) Any license between them, entered into on or after the effective date of said notice and prior to the date of this Order, which grants rights to practice and said alleged inventions;)

(Alternate A)

(3) That Licensee is hereby directed to pay over to the Treasurer of the United States (through -----), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the royalties authorized by paragraph (3) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have become and are now due to Licensor, and of all royalties which may hereafter become due to Licensor as and when the same fall due for payment to Licensor, for or on account of the manufacture, use, sale or other disposition of said alleged inventions to or for the Navy Department heretofore occurred or hereafter occurring while Sections 1 and 2 of said Act remain in force, and demand is hereby made for payment forthwith of the monies now due which are so directed to be paid; and

(Alternate B)

(3) That Licensee is hereby directed

(a) To pay over to the Treasurer of the United States (through -----), and at the same time and place to deliver a statement in writing signed by Licensee showing the amount and manner of computation thereof, the balance, in excess of the payments authorized by paragraph (3) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and of all royalties which since said date have accrued or may hereafter accrue in respect of supplies, equipment, materials, or parts thereof delivered to or for the Navy Department prior to the tenth (10th) day next following the receipt of this order by the Licensee, and demand is hereby made for payment forthwith of the monies so directed to be paid; and

(b) To reduce the contract price of all supplies, equipment, materials and parts thereof delivered to or for the Navy Department on and after the tenth (10th) day next following the receipt of this order by the Licensee, to the extent necessary to secure to the Government the full benefit of the reduction in royalties effected by this order; and

(4) That reservation is hereby expressly made of the right to amend, modify, revoke or extend this Order and of the right of the head of any department or agency of the Government, including but not limited to the Navy Department, to take such other, further and different action as may be authorized by any statute of the United States with respect to the subject matter.

Dated: -----

The foregoing Order is directed to the following (Here list all parties affected by the Order):

SCHEDULE A

Column 1 Title or short description of invention	Column 2 Patent numbers or application serial numbers	Column 3 Issue dates or filing dates	Column 4 Instrument(s) in which royalties are calculated			Column 5 Fair and just royalties	
			Effective date	Licensor	Licensee	Rate	Amount

PART 34—PAYMENT OF FAIR COMPENSATION UNDER DEFECTIVE INFORMAL AND QUASI CONTRACTS

Sec.

34.1 Statutory authority.

34.2 Preparation, submission and allowance of claims.

AUTHORITY: §§ 34.1 and 34.2, issued under sec. 17, 58 Stat. 665; 41 U. S. C., Sup., 117.

§ 34.1 *Statutory authority.* Section 17 of the Contract Settlement Act of 1944 (58 Stat. 665; 41 U. S. C. Sup., 117) provides: —

a. Where any person has arranged to furnish or furnished to a contracting agency or to a war contractor any materials, services, or facilities related to the prosecution of the war, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of a contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, the contracting agency shall pay such person fair compensation therefor.

b. Whenever any formal or technical defect of omission in any prime contract, or in any grant of authority to an officer or agent of a contracting agency who ordered any materials, services, and facilities might invalidate the contract or commitment, the contracting agency (1) shall not take advantage of such defect or omission; (2) shall amend, confirm, or ratify such contract or commitment without consideration in order to cure such defect or omission; and (3) shall make a fair settlement of any obligation thereby created or incurred by such agency, whether expressed or implied, in fact or in law, or in the nature of an implied or quasi contract.

The Director of Contract Settlement has issued Regulation No. 12 of the Office of Contract Settlement, dated January 24, 1945 (32 CFR, 1945 Supp., Part 8060), prescribing procedures for the preparation, submission and allowance of section 17 claims.

§ 34.2 *Preparation, submission and allowance of claims.* Under section 17 of the Contract Settlement Act:

(a) Except as provided in this section, each claim for relief under section 17 of the act shall be submitted in writing, and shall be under oath, verified by the claimant or by a principal executive officer of the claimant, and accompanied by affidavits of representatives of the claimant and other persons having knowledge of the relevant circumstances. If the claim is supported by a formal contract which may be invalid because of a formal or technical defect, or omission therein, or in its authorization, counsel of the bureau having cognizance of the matter may, in his discretion waive the foregoing requirements with respect to verification and affidavits.

(b) If the claim is not based upon a formal contract, valid or otherwise, it shall be supported by such of the following information as is appropriate:

(1) The original or photostatic copies of any written instructions, and a full statement of any oral instructions, relied on.

(2) Identification of any officer or agent upon whose authority to bind the Government the claimant relied, together with a statement of (i) the circumstances relied on in good faith by the

claimant as indicating the existence of such authority, and (ii) the efforts made by the claimant to obtain a formal contract or, if none was made, the reasons for the failure to make any such effort.

(3) A full description of the materials, services, or facilities furnished or arranged to be furnished and of their relation to the prosecution of the war.

(4) A statement of when and to whom such materials, services, or facilities were furnished or were arranged to be furnished, and of the arrangements made for furnishing them, together with a description of any guaranties, warranties, or indemnities customarily furnished or specifically required in connection therewith.

(5) A statement of all other action taken by the claimant with respect to the material, services, or facilities so furnished or arranged to be furnished and of any commitments that have been made to third parties in reliance on the written or oral instructions or other request to proceed, together with documentary evidence of any such commitments and a statement of any payments or settlements made with respect thereto.

(6) A statement of the amount claimed, with a breakdown in sufficient detail to support the claim and certified by the claimant or its principal financial officer.

(7) A statement of what steps have been taken to mitigate losses and reduce the claim to a minimum.

(8) A statement of any payments or credits received or to be received on account of the materials, services, or facilities furnished or arranged to be furnished.

(9) A statement of the salvage or recovery value of any such materials or facilities so arranged to be furnished but not disposed of.

(10) A statement of whether any other claim for any part or all of the relief requested has been, or is being, submitted to any other Government Agency or war contractor, and if so, of the action taken thereon.

(11) Any additional information considered appropriate by the claimant.

Representatives of the Department authorized to consider the claim may require such further relevant information as they may deem necessary or appropriate.

(c) If the claim is based upon a formal contract which may be invalid because of a formal or technical defect or omission therein or in its authorization, the claim shall include a full statement of the relevant circumstances and of the relief requested.

(d) A claim which is not supported by a formal contract shall be forwarded to the chief of the bureau which would normally have executed the contract for the materials, services, or facilities, with respect to which relief is being sought. A claim which is based upon a formal contract shall be forwarded to the bureau or office which executed the contract. Such bureau or office will forward the claim, with comments thereon, to the chief of the bureau having cognizance (in doubtful cases, the claim will be forwarded to the Chief of the Bureau of

Supplies and Accounts) If the chief of the bureau or the contracting officer determines that a claim should be considered by a contracting agency of the Government other than the Navy Department, he will forward the claim and supporting papers to the Office of Contract Settlement with a statement of his reasons therefor and a statement of any information he may have concerning the facts set forth in or bearing on the claim.

(e) Each claim for relief under Section 17 will be promptly and carefully investigated by the chief of the cognizant bureau or his duly authorized representative. After such investigation, and determination that the facts justify relief if it may be legally granted under the Act, the claim together with a report of such investigation will be referred to counsel for the bureau, or to the Office of the General Counsel for the Department of the Navy if the arrangement or contract was made by the Marine Corps, for an opinion as to the extent to which the requested relief or action may legally be granted or taken under the provisions of section 17 of the Act.

(f) If the counsel determines that relief may legally be granted, the chief of the cognizant bureau or his duly authorized representative will negotiate with the claimant with a view to settlement of the claim by agreement. Any such agreement involving payment to the claimant of any amount in excess of \$25,000 will not become binding upon the Government until it has been reviewed and approved by the head of the Procurement Policy Branch of the Material Division, Office of the Assistant Secretary of the Navy. In forwarding any such agreement to the Material Division, the cognizant bureau will include a statement of the factors bearing upon the determination of the amount agreed upon as fair compensation and a copy of the opinion of counsel.

(g) All relief granted or action taken under section 17 of the Act must be embodied in a written agreement, executed by the chief or a contracting officer of the cognizant bureau and approved as to form and legality by counsel, which shall release and discharge the Government, its officers, agents and employees from all liability on account of the furnishing of, or the arrangement to furnish, the materials, services, or facilities in question.

(h) In any case where the chief of the cognizant bureau or his duly authorized representative has failed to settle the claim by agreement with the claimant or has so settled only a part of the claim, the dispute will be subject to the provisions of section 13 of the Act (58 Stat. 660; 41 U. S. C., Sup., 113) governing the preparation of written findings and prescribing procedure for review and appeal. All written findings will be submitted to counsel for the bureau, or to the Office of the General Counsel for the Department of the Navy in the case of the Marine Corps, for approval as to form and legality. Following such approval, one copy of such findings will be forwarded to the claimant and two copies to the Office of Contract Settlement.

(i) Where an obligation or commitment created or incurred by a bureau might be invalidated because of a formal or technical defect or omission in a prime contract or in any grant of authority to an officer or agent who ordered materials, services, or facilities related to the prosecution of the war, the chief of the bureau or his duly authorized representative will formalize the obligation or commitment within ninety (90) days after notice of the existence of such formal or technical defect or omission.

(j) The Secretary of the Navy has delegated to the chiefs of the several bureaus the authority to grant relief under section 17 of the Act.

(k) The Secretary of the Navy has authorized the Judge Advocate General to convene a Philippine Contract Settlement Commission to settle pursuant to section 17 of the Contract Settlement Act, supra, claims for services or materials furnished representatives of the Navy in the Philippine Islands.

PART 35—TERMINATION AND SETTLEMENT OF WAR CONTRACTS

Sec.

35.1 Statutory authority.

35.2 Joint Termination Regulations.

35.3 Delegations of authority.

AUTHORITY: §§ 35.1 to 35.3, inclusive, issued under 54 Stat. 712, as amended, 55 Stat. 838, 58 Stat. 649; 50 U. S. C. App., Sup., 1171, 601 et seq., 414 U. S. C., Sup., 101 et seq.

§ 35.1 *Statutory authority.* The authority of the Navy Department to terminate prime contracts for the convenience or at the option of the Government is based upon its general authority to make contracts and to amend them in the interests of the Government, and upon its authority under Public Law 703, 76th Cong., as extended, (54 Stat. 712 as amended; 50 U. S. C. App., Sup., 1171) and the First War Powers Act of 1941 (55 Stat. 838; 50 U. S. C. App., Sup., 601 et seq.). The Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C., Sup., 101 et seq.) confers on the Department express authority to settle termination claims by agreement, by arbitration, and by determination without agreement, in accordance with the provisions of that Act, and authorizes the making and amending of contracts to carry out the provisions of the act. The act establishes the Office of Contract Settlement headed by a Director of Contract Settlement who has issued regulations prescribing policies, principles, methods, procedures, and standards governing the exercise, the authority and discretion, and the performance of the duties and functions of all Government agencies under the act.

§ 35.2 *Joint Termination Regulations.* The War and Navy Departments have issued a Joint Termination Regulation prescribing procedures to be followed in terminating and settling war contracts.

CROSS REFERENCE: For Joint Termination Regulation, see 10 CFR, Supps., Chapter VIII, Subchapter C.

§ 35.3 *Delegations of authority.* Pursuant to the Joint Termination Regula-

tion, the bureau, office or field activity which entered into the contract is generally authorized to terminate and settle that contract, subject to certain exceptions contained in the Joint Termination Regulation.

PART 36—RENEGOTIATION OF CONTRACTS

§ 36.1 *Navy Price Adjustment Board.* The Navy Price Adjustment Board which formerly renegotiated war contracts and subcontracts of contractors if and only when assigned to it by the War Contracts Price Adjustment Board was dissolved effective September 27, 1946 (see § 1.15 (e) of this chapter). Certain duties and responsibilities arose in connection with the dissolution of the Board and the Office of Special Assistant to the Secretary for Renegotiation was established to perform these duties and discharge these responsibilities. The following directive of the Secretary of the Navy redelegated to the Chairman of the Navy Price Adjustment Board final authority with respect to certain matters. This authority is now redelegated to the Special Assistant for Renegotiation to the extent necessary to effectuate the aforementioned purposes.

22 AUGUST 1946.

From: The Secretary of the Navy. To: All Bureaus, Boards and Offices, Navy Department. The Commandant, U. S. Marine Corps. Subject: Delegation of Authority to Chairman of Navy Price Adjustment Board. References: (a) Title XIII, Second War Powers Act, 1942 (Public Law 507, 77th Cong., approved March 27, 1942). (b) Executive Order 9127, April 10, 1942. 3 CFR, Cum. Supp. (c) Renegotiation Act of 1948. (Public No. 235, 78th Cong., enacted February 23, 1944). (d) Delegation by the War Contracts Price Adjustment Board, August 10, 1945, Renegotiation Regulation 821.1, 10 F. R. 1515. (e) Renegotiation Act of 1942 (Sixth Supplemental National Defence Appropriation Act, 1942, as amended).

(a) The Price Adjustment Board heretofore established in the Navy Department is reconstituted as hereinafter provided. The official title of such Board shall be "Navy Price Adjustment Board" and the same is hereinafter referred to in this directive as "the Board."

(b) The Board shall consist of a Chairman and such members as shall from time to time be appointed by the Secretary of the Navy. Each such appointment shall be made by instrument in writing and shall be accepted in writing by the appointee. Each such appointment shall be effective until revoked in writing by the Secretary of the Navy or until terminated by resignation in writing, delivered to the Secretary of the Navy, or as provided in subsection (c). The Chairman may from time to time designate in writing any member of the Board who shall, in the Chairman's absence, be Acting Chairman of the Board with all of the duties and authority of the Chairman, subject to such limitations as may be provided in such designation.

(c) The Board shall consist of a Washington Division and a New York Division, until the Chairman shall determine that the operations of such New York Division are no longer necessary, at which time he shall have authority to discontinue it by written notice to the Chairman of the Division. Members of the Board shall be assigned by the Secretary of the Navy to each such Division and

one such member shall be designated in writing by the Secretary of the Navy to act as Chairman of the New York Division. The Chairman of the New York Division shall be generally responsible for the operations of his Division under the supervision of the Chairman of the Board. The Chairman of the New York Division may from time to time designate in writing any member of such division who shall, in the absence of such Chairman, be Acting Chairman of such Division with all of the duties and authority of the Chairman of such Division subject to such limitations as may be provided in such designation. Upon the discontinuance of the Division, the appointments of all Board Members assigned to the Division shall be deemed revoked.

(d) There is hereby delegated to the Chairman of the Board, subject to the provisions of reference (d):

(1) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board by subsections (a) (4) (B); (a) (4) (C); (a) (4) (D); (a) (5) (B); (c) (1); (c) (2); (c) (3); (c) (4); (c) (5) (B); and (h) of reference (c).

(2) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board to require the furnishing of information, records and data pursuant to the provisions of subsection (c) (5) (A) of reference (c), except the financial statement provided for in the first sentence of said subsection; and

(3) All of the powers, functions and duties conferred upon the War Contracts Price Adjustment Board to interpret and apply the exemptions provided for in subsections (1) (1) (A); (1) (1) (B); (1) (1) (C); (1) (1) (E); and (1) (1) (F), the definition contained in subsection (a) (7) and the provisions of subsection (1) (3) of reference (c) pursuant to such interpretations thereof and regulations relating thereto as may be prescribed by the War Contracts Price Adjustment Board from time to time.

The powers, functions, duties, authority and discretion hereby delegated to the Chairman of the Board may be delegated in whole or in part by him to the Board and to the respective divisions, members and staffs thereof; provided, however, that except as set forth in paragraph 2 hereof, the power and authority to make determination, by order or agreement, of excessive profits of any contractor or subcontractor shall not be subject to such delegation. In executing the powers, functions, duties, authority and discretion so delegated, and in performing any other duties assigned by the Chairman of the Board, the Board and each division or member and the staff thereof, shall act under the supervision of the Chairman of the Board.

(e) The personnel, authority and functions of the Services and Sales Renegotiation Section, are hereby transferred to the Navy Price Adjustment Board, and the power to make a determination by order or agreement of excessive profits of any contractor or subcontractor heretofore delegated to the Chief of the Services and Sales Renegotiation Section, is hereby transferred to the Chairman of the Price Adjustment Board.

(f) The Chairman of the Board in connection with any investigation deemed necessary to permit him or the Board or any division thereof to carry out the duties delegated to him or it is hereby authorized to exercise the authority conferred upon the Secretary of the Navy by references (a) and (b) to inspect the plant and to examine the books and records of contractors and subcontractors, and he may administer oaths and affirmations and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any

books or records or any other documentary or physical evidence which may be deemed relevant to such investigation; and he shall have the right to demand of any contractor or subcontractor who holds contracts or subcontracts with respect to which the provisions of reference (c) are applicable statements of actual costs of production and such other financial data at such dates and in such form and detail as he may require.

(g) The Board shall, for administrative purposes, be part of the Material Division, Office of the Assistant Secretary. The Chief of the Material Division shall assign or cause to be assigned such personnel and shall provide such facilities and materials as may be required by the Chairman of the Board in connection with the exercise of any of his powers, functions, duties, authority, or discretion.

(h) The General Counsel for the Department of the Navy shall appoint a member of his office to act as Counsel to the Chairman of the Board and shall also assign members of such office to act as assistant counsel and attorneys under the supervision and direction of such Counsel. Such Counsel, and under his supervision, such assistant counsel and attorneys, shall perform all legal services incident to the discharge by the Chairman of the Board, the Board and each division thereof of his or its respective duties and functions and shall prepare and issue such legal interpretations, as may be necessary or desirable, of the statutes, regulations and directives under which the Chairman of the Board, the Board and each division thereof act or which are pertinent to their operations, and of renegotiation agreements and orders. Counsel to the Chief of the Services and Sales Renegotiation Section and Assistant Counsel and attorneys under his direction shall also be attached to the office of Counsel to the Chairman of the Board. In the performance of the foregoing duties such Counsel shall be responsible to the General Counsel for the Department of the Navy.

(i) When a determination of excessive profits has been made by the Chairman of the Navy Price Adjustment Board, whether embodied in an order or an agreement, the Chief of the Bureau of Supplies and Accounts is hereby charged with the responsibility for the elimination of the excessive profits so determined (to the extent that the Secretary of the Navy is charged with the duty of eliminating such excessive profits). Without limiting the generality of the foregoing, the Chief of the Bureau of Supplies and Accounts is particularly authorized and directed:

(a) To receive and collect all payments, reports, financial data and other items, as provided in any such agreement or order, and to transmit all payments received by him to the Treasurer of the United States to be covered into the Treasury as miscellaneous receipts;

(b) When necessary in order to eliminate any such excessive profits (i) to effect the withholding from amounts otherwise due to a contractor or subcontractor of any amount of such excessive profits of such contractor or subcontractor; or (ii) to direct a contractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1942; or (iii) to direct a contractor or subcontractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor determined under the provisions of the Renegotiation Act of 1943.

(c) To keep appropriate records with respect to the performance of the terms and provisions of all renegotiation agreements and with respect to the discharge of liability of contractors and subcontractors under or-

ders determining excessive profits made or entered pursuant hereto; and

(d) To advise the Secretary of the Navy as to any unremedied defaults under any such renegotiation agreements or orders and to recommend appropriate action with respect thereto.

In order that the Chief of the Bureau of Supplies and Accounts may expeditiously discharge such responsibility, the Chairman of the Board shall cause to be transmitted to the Chief of the Bureau of Supplies and Accounts a conformed copy of each renegotiation agreement and each order determining excessive profits made or entered pursuant hereto promptly after the same shall have become effective.

The powers, functions, duties, authority and discretion herein vested in the Chief of the Bureau of Supplies and Accounts may be delegated by him in whole or in part to such divisions and officers in the Bureau of Supplies and Accounts as he shall deem necessary or desirable.

(f) With respect to proceedings under the Renegotiation Act of 1942 (Ref. e), the Directive of the Secretary of the Navy dated 23 March 1944 (PM:370:FWRP:ap) (NPD 14201-14212) shall remain in effect until 11 September 1946, and shall thereafter be deemed revoked. As to proceedings under the Renegotiation Act of 1943, it is revoked immediately. All actions taken under and in accordance with its authority are hereby ratified, approved, and confirmed. The Chairman shall have custody of the records of cases under the Renegotiation Act of 1942, and shall have authority with respect to such cases to take any action necessary in view of their having been disposed of by agreement or order, including, without limitation, the power to reopen such cases in the event of a showing of fraud or malfeasance or a willful misrepresentation of a material fact. The directives of the Acting Secretary of the Navy of February 8, 1945 (OGC/CMMCD:ms) (NPD 14241-14246) and of the Chairman of the Price Adjustment Board of February 8, 1945 (OGC/WJH:ss) (NPD 14251-14252) are hereby superseded and cancelled. All actions heretofore taken by the Price Adjustment Board of the Navy Department and any of its divisions and by the Services and Sales Renegotiation Section in accordance with previously applicable directives and delegations are hereby ratified, approved, and confirmed.

W. JOHN KENNY,
Acting Secretary of the Navy.

(56 Stat. 245, as amended; 58 Stat. 78, 50 U. S. C. App. Sup., 1191-1192)

PART 37—WAR CONTRACTS RELIEF BOARD Sec.

- 37.1 General matters.
- 37.2 Proceedings preliminary to hearing.
- 37.3 Hearings.
- 37.4 Representation.
- 37.5 Decisions.
- 37.6 Computation of time.

AUTHORITY: §§ 37.1 to 37.6, inclusive, issued under Pub. Law 657, 79th Cong., 60 Stat. 902; E. O. 9786, Oct. 5, 1946, 3 CFR, 1946 Supp.

§ 37.1 *General matters.* (a) Jurisdiction and organization of this board are discussed in § 1.4 (b) (5) of this chapter.

(b) Each member of the Board and the recorder thereof is authorized to communicate directly with any person whomsoever in regard to any matter which relates to the business of the Board.

(c) Claims and other papers to be submitted to the Board should, wherever

practicable, be clearly typewritten upon paper of standard letter size upon one side only.

(d) Claims and other data filed by the claimant, shall be filed in quadruplicate.

(e) The rules relating to the proceedings before the Board and all final opinions and orders in the adjudication of claims shall be available for public inspection at the offices of the Board in the Navy Department, Washington, D. C. Requests for information in connection with proceedings before the Board should be addressed to the War Contracts Relief Board, Navy Department, Washington, D. C.

(f) Meetings of the Board may be held from time to time on the order of the Chairman thereof, and shall be called at the convenience of the members whenever matters requiring the action of the Board are brought to the attention of the Chairman. Meetings in session may be recessed or adjourned from time to time as the Chairman may direct.

§ 37.2 *Proceedings preliminary to hearing.* (a) Claims filed with the Navy Department shall be filed with the Bureau or activity under whose contracts and subcontracts the loss is claimed. When the claim is made with respect to contracts and subcontracts of more than one Bureau or activity, the claim shall be filed with the Bureau or activity under whose contracts and subcontracts the largest claim for loss is made.

(b) Claims shall be in writing and shall be in the form prescribed by section 202 of Executive Order No. 9786 of October 5, 1946. (3 CFR, 1946 Supp.)

(c) Upon request by the Board or the recorder thereof, the claimant shall furnish promptly additional copies of its claim or any additional evidence which may be requested and which is within the possession of or available to the claimant, bearing upon the claim or any of the matters referred to in section 2 (a) of the act of August 7, 1946 (60 Stat. 902). Such additional evidence shall be verified by the claimant in accordance with subparagraph (n) of section 202 of the Executive order.

(d) When a claim in any form has been filed with any Bureau or activity of the Navy Department under whose contracts or subcontracts the loss or any part thereof is claimed, the Bureau or activity with which the claim was filed shall immediately forward the claim to the Board, together with a certification of the contracting officer as to the date on which such claim was received. Claims referred to such Bureau or activities in connection with the consideration of claims filed with other war agencies shall also be referred to the Board upon receipt thereof.

(e) When a claim is forwarded to the Board which was filed for consideration, adjustment or settlement by the Navy Department, or filed with another war agency involving a claimed loss under a war contract or subcontract with the Navy Department, the Board will, before receiving such claim, cause the same to be examined for the purpose of ascertaining:

(1) Whether or not the claim was filed in accordance with the act and the Exec-

utive order on or before February 7, 1947, and

(2) Whether or not the claimant is entitled to relief under the provisions of the act and the Executive order by reason of losses with respect to which a written request for relief was filed with the Navy Department on or before August 14, 1945.

Should it appear from the preliminary examination that the Board does not have jurisdiction to receive, consider, settle or adjust the claim or to approve that part of any proposed settlement by another agency considering the claim, which relates to contracts or subcontracts of the Navy Department, the Board may reject the claim or in its discretion give the claimant an opportunity to be heard as provided for in § 37.3 (a) before making a determination as to rejection.

(f) (1) When the Board has received a claim for consideration, settlement or adjustment or for approval of that part of any proposed settlement by another agency which relates to contracts or subcontracts of the Navy Department and which is not rejected by the Board for want of jurisdiction, such claim shall be referred to the recorder of the Board who, with the assistance of the Board's staff of analysts and of the contract officer of the Bureau or other activity of the Navy Department involved, shall examine, review and verify the claim. Where such examination, review and verification requires an audit of the claim, the recorder shall request the assistance of the Navy Cost Inspection Service. Where the claim involves losses related to contracts or subcontracts of Bureaus or activities of the Navy Department other than the Bureau with which the original claim was filed or of other war agencies, the recorder shall also request such Bureau, activities or other war agencies to examine, verify, review and comment thereon.

(2) In connection with the examination, review and verification of a claim to be considered, settled and adjusted by the Navy Department, the recorder shall also transmit a copy of the claim to the General Accounting Office for verification of the list of contracts and subcontracts set forth therein as required by section 301 of the Executive order.

(g) After the recorder shall have completed the analysis of the claim and obtained the necessary reviews, verifications and comments thereon and the consent of other war agencies involved, the claim shall be submitted to the Board for consideration, together with the analysis and recommendations of the recorder in writing as to the amount or amounts thereof appearing to be allowable or not allowable, and the reasons therefor. After the Board has considered the claim or the question of the approval or that part of any proposed settlement by any other war agency involving Navy Department contracts or subcontracts, the Board in its discretion may make a preliminary or final determination as to the amount due or as to such approval. The preliminary or final determination of the Board shall be in

writing and shall state the reasons therefor and notice thereof shall be given by transmittal of copies thereof to the claimant and other interested agencies.

§ 37.3 *Hearings.* (a) If, as provided by § 37.2 (e), the Board, before rejecting a claim on jurisdictional grounds, determines in its discretion to grant the claimant an opportunity to appear before the Board, the Board will notify the claimant thereof. The claimant thereafter shall have fifteen days in which to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such hearing. If the claimant states that he wishes to appear or be represented at a hearing, a date for such hearing will be assigned, of which at least fifteen days notice shall be given by the recorder of the Board, to the claimant and other contracting Bureaus or activities and agencies involved. If the claimant states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in this subparagraph, the case will be considered and decided by the Board thereafter at its convenience. The contracting officer of any of the war agencies involved or any person representing him, may appear at any hearing held pursuant to the request of the claimant.

(b) Upon receipt of notice of a preliminary determination as provided for by § 37.2 (g), the claimant shall have fifteen days from the date thereof to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such hearing. If the claimant states that he wishes to appear or be represented at a hearing, a date for such hearing will be assigned, of which at least fifteen days notice shall be given by the recorder of the Board, to the claimant and other contracting Bureaus and agencies involved. If the claimant states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in paragraph (a) of this section, the case will thereafter be considered and finally decided by the Board at its convenience. The contracting officer of any of the war agencies involved or any person representing him, may appear at any hearing held pursuant to the request of the claimant.

(c) The unexcused absence of a party or his counsel at the time and place set for a hearing will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

(d) The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs must be filed at least fifteen days prior to the hearing unless otherwise ordered by the Board.

(e) Hearings will be held at the office of the Board in Washington, D. C., unless otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but the Board will consider any such request made by a claimant and

received at the office of the Board before notice of a hearing is sent; but the Board may without such a request order a hearing to be held at another place.

(f) A quorum of the Board shall be a majority of the Board. The Board may in any case, with the consent of the claimant, designate one of its members or any other qualified person as an examiner to receive evidence and arguments presented by or on behalf of the claimant, or contracting officer, or both; but in such case the Board shall act on the claim only after the examiner's report and a stenographic transcript of the proceedings before the examiner have been considered by a quorum of the Board.

(g) Hearings before the Board, or an examiner, will be informal, with no fixed form of procedure, the manner in which facts are ascertained and conclusions reached by the Board being, except as otherwise prescribed by these rules, a matter for its discretion. Ordinarily, the contractor and contracting officer or their representatives may offer at a hearing such matter by way of evidence or argument as they see fit; but the extent of such evidence or argument, and the manner of its presentation, may be limited or otherwise controlled by the Board, or the examiner, as the case may be.

(h) The Board may but shall not be required to have all or any part of the proceedings before it taken down stenographically, and to the extent that any proceeding before the Board is taken down stenographically the claimant shall be entitled to a transcript thereof upon request.

(i) No oaths shall be required of persons who present matter orally or in writing to the Board, but the Board, or an examiner may, if it seems expedient, warn persons who make statements in writing or as part of a hearing that such statements may be subject to the provisions of section 35 (a) of the Criminal Code (35 Stat. 1095 as amended; 18 U. S. C. 80) section 19 of the Contract Settlement Act of 1944 (53 Stat. 667; 41 U. S. C. Sup., 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or within the jurisdiction of any department or agency thereof.

§ 37.4 *Representation.* A claimant may be represented by any duly authorized person.

§ 37.5 *Decisions.* (a) No decision of the Board shall be conclusive or binding unless concurred in by a majority of the members of the Board.

(b) When the Board approves the settlement of a claim in whole or in part or denies a claim, the recorder will notify the claimant and the interested governmental agency or agencies immediately. When the claim has been settled by agreement or by allowance in full, the recorder will cause to be prepared, the necessary settlement agreement for execution by the parties involved. Prior to submission of the settlement agreement to the claimant for execution the recorder will forward the same to the Office of the Fiscal Director,

which will attach a cover sheet indicating the appropriation or appropriations chargeable and the expenditure account or expenditure accounts involved and return the settlement agreement to the Board. The recorder will then forward the settlement agreement to the claimant for execution, and request the claimant to return the same, together with claimant's invoice in triplicate, showing the agreed amount, with the usual Form 1034 certificate endorsed thereon. Upon receipt of the settlement agreement executed by the claimant, together with the invoice, the Chairman of the Board will execute the same, certify the invoice and forward the settlement agreement together with the invoice to the Chief of the Bureau of Supplies and Accounts, Disbursing Division, which will make arrangements for payment after clearing with the General Accounting Office as required by section 301 of the Executive order.

(c) Where the claimant has not requested a hearing under this section and has not indicated agreement with a preliminary determination of the Board, or where after a hearing the claimant has not agreed to the amount found to be due by the Board and the Board and the claimant have not otherwise come into agreement, the Board shall cause to be delivered to the claimant a written statement as to the amount, if any, found to be due on the claim. On the basis thereof the recorder shall ascertain whether or not the claimant will consent to a settlement of the claim on the basis of the amount so found to be due, and if claimant consents shall proceed as outlined in paragraph (b) of this section. However, no payments shall be made of any amounts so found to be due until the claimant shall have delivered to the Board an unconditional release of all claims whatsoever against the Government or any department or agency thereof as to all contracts and subcontracts involved in consideration of the claim.

§ 37.6 Computation of time. (a) Whenever this section or any order of the Board prescribe a time within which any act must be performed, Sundays and legal holidays in the District of Columbia shall count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or a legal holiday. *Provided*, That when the time for performing any act is prescribed by statute nothing in this section shall be deemed to be a limitation or extension of the statutory time period.

(b) The Board may extend or waive any period of time or other limitation upon its action, except as prevented by law, a contract provision, a directive or other regulation.

Sec.

38.4 Representation.

38.5 Decisions.

38.6 Computation of time.

38.7 Definitions.

AUTHORITY: §§ 38.1 to 38.7, inclusive, issued under section 13, 58 Stat. 660; 41 U. S. C. Sup. 113.

NOTE: For statement of the organization and functions of this Board, see § 1.15. (f) of this chapter.

§ 38.1 General matters. (a) Each member of the Board, Counsel for the Board and the Secretary thereof is authorized to communicate directly with any person whomsoever in regard to any matter which relates to the business of the Board.

(b) Notices of appeal and other papers to be submitted to the Board should, wherever practicable, be clearly typewritten upon paper of standard letter size ($8\frac{1}{2} \times 11$ inches) upon one side only, without covers.

(c) An original and three copies of the notice of appeal and other data should be filed by the Appellant.

(d) The rules relating to the proceedings before the Board, all final opinions and orders in the adjudication of cases shall be available to public inspection at the offices of the Board in the Navy Department, Washington, D. C. Requests for information in connection with proceedings before the Board should be addressed to The Board of Contract Appeals, Navy Department, Washington, D. C.

§ 38.2. Proceeding preliminary to hearing. (a) The Secretary's letter of September 16, 1942 (N. P. D., pars. 11, 601-08) provides that in disposing of disputes concerning questions of fact, contracting officers must adhere to the following procedure:

(1) Whenever any such dispute arises, the contracting officer shall request the contractor to furnish a full statement of the pertinent facts and the reasons in support of the contractor's contention, with reference to the contract provisions relied upon in support of such contention.

(2) The contracting officer shall in each instance decide the dispute and furnish directly to the contractor a statement in writing of his "decision," together with "findings of fact." The decision of the contracting officer must not, however, be in conflict with any provision of the contract. Such "decision" and "findings of fact" shall be accompanied by a copy of the rules of the Board of Contract Appeals.

(3) A contracting officer in the field may, before reaching a decision, submit disputes and questions thereon to the Chief of the Bureau of Supplies and Accounts for advice and recommendation. It is, however, the responsibility of the contracting officer to exercise his own judgment in making his own findings of fact and in reaching his decision.

(b) An appeal from the decision of a contracting officer must be in writing and filed with the officer from whose decision the appeal is taken within the time specified therefor in the contract or allowed by applicable provision of law.

(c) The notice of appeal must indicate clearly that such an appeal is intended and must also indicate the decision from which the appeal is taken with sufficient clarity to allow it to be identified. The notice of appeal should also show the date or which the decision was made, the bureau, the contracting officer, the contract number, and the relief sought. Additional information, including arguments in support of the appeal, may be incorporated in the notice or submitted within thirty days of the filing of such notice unless the Board expressly permits otherwise. A suggested form of notice of appeal is attached hereto, but the notice of appeal may be in the form of a letter or in any other form which clearly presents the necessary information. The notice of appeal must be signed by the contractor making the appeal, personally, or by an officer of a corporation, member of a firm, or an attorney.

(d) When a notice of appeal in any form has been received by the contracting officer he will endorse thereon the date of its receipt and will promptly notify the Board that such an appeal has been filed. Thereafter within a reasonable time he will compile and transmit to the Board two copies of the documents relative to the appeal, which shall include the following:

(1) The notice of appeal and the supporting data specified in paragraph (c) of this section.

(2) The findings of fact and the decision from which the appeal is taken.

(3) The contract and pertinent specifications, amendments, and plans.

(4) Correspondence and other data relevant to the issue.

(5) A memorandum of counsel for the contracting bureau giving his opinion as to the propriety of the decision from which the appeal is taken. Such memorandum should include a statement with respect to compliance with the applicable contract provisions and directives; the power of the Secretary of the Navy to grant the relief sought; counsel's opinion upon all matters of law involved in the dispute and such comment as counsel for the bureau considers that the Board should have concerning the matter in dispute generally.

(6) Such additional information as the contracting officer of counsel for the bureau may consider that the Board should have before reaching a decision.

(e) The contractor and the contracting officer may, by a stipulation signed by both, or by their authorized representatives, set forth any agreed facts or matters in dispute, identifying, as exhibits, the contract and other documents necessary to a consideration of the dispute, and documentary evidence on which either of them relies. In the absence of such a stipulation, the contracting officer shall give to the contractor a copy of the material specified in paragraph (d) (4) to (6) of this section, or notice of its proposed inclusion in the documents relative to the appeal, and an opportunity to examine it; and after the receipt of such a copy or notice, the contractor shall have twenty days, or such longer time as the Board may allow, in which to submit additional material and argu-

PART 38—NAVY DEPARTMENT BOARD OF CONTRACT APPEALS; RULES

Sec.

38.1 General matters.

38.2 Proceeding preliminary to hearing.

38.3 Hearings.

ments. The contracting officer shall promptly transmit to the Board two of all such additional material, together with any statement or other data relative thereto. No other documents or written matter will be received except by permission of the Board.

(f) Notices of appeal and supporting data which are sent to a contracting officer pursuant to any provisions of these rules shall be deemed to have been sent to or filed with the Secretary of the Navy for the purpose of determining the contractor's compliance with the contract provisions relating to appeals to the Secretary of the Navy.

§ 33.3 *Hearings.* (a) When the Board has received the completed record in proper form, the Secretary of the Board will notify the contractor, who will have fifteen days from the date of the notice in which to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such a hearing. If the contractor states that he wishes to appear or be represented at a hearing, a date for such a hearing will be assigned, of which at least fifteen days' notice shall be given by the Secretary of the Board to the contractor and the contracting officer. If the contractor states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in this rule, the case will be considered and decided by the Board thereafter at its convenience. The contracting officer, or any person representing him may appear at any hearing held pursuant to a request by the contractor, and shall appear at any hearing or meeting of the Board at its request, but shall not otherwise have a right to appear except by permission of the Board.

(b) The unexcused absence of a party or his counsel at the time and place set for a hearing will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

(c) The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs must be filed at least fifteen days prior to the hearing unless otherwise ordered by the Board.

(d) Hearings will be held at the office of the Board in Washington, D. C., unless otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but the Board will consider any such request made by a contractor and received at the office of the Board before notice of a hearing is sent; but the Board may without such a request order a hearing to be held at another place.

(e) A quorum of the Board shall be a majority of the members of the entire Board, unless the Board shall act in divisions, in which case a quorum shall be a majority of a division. The Board may in any case, with the consent of the contractor, designate one of its members or any other qualified person as an examiner to receive evidence and arguments presented by or on behalf of the contractor, or contracting officer, or both; but in such case the Board shall

act on the appeal only after the examiner's report and a stenographic transcript of the proceedings before the examiner have been considered by a quorum of the Board, or of any authorized division thereof.

(f) Hearings before the Board, a division, or an examiner, will be informal, with no fixed form of procedure, the manner in which facts are ascertained and conclusions reached by the Board being, except as otherwise prescribed by these rules, a matter for its discretion. Ordinarily the contractor and contracting officer or their representatives may offer at a hearing such matter by way of evidence or argument as they see fit; but the extent of such evidence or argument, and the manner of its presentation, may be limited or otherwise controlled by the Board, the division, or the examiner, as the case may be.

(g) The Board may but shall not be required to have all or any part of the proceedings before it taken down stenographically, and to the extent that any proceeding before the Board is taken down stenographically the contractor shall be entitled to a transcript thereof upon request.

(h) No oaths shall be required of persons who present matter orally or in writing to the Board, but the Board, any division, thereof, or an examiner may, if it seems expedient, warn persons who make statements in writing or as part of a hearing that such statements may be subject to the provisions of section 35 (A) of the Criminal Code (35 Stat. 1095, as amended; 18 U. S. C. 80), section 19 of the Contract Settlement Act of 1944 (58 Stat. 667; 41 U. S. C. Sup., 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or within the jurisdiction of any department or agency thereof.

§ 33.4 *Representation.* An appellant may be represented by any duly authorized person.

§ 33.5 *Decisions.* (a) No decision of the Board, or of a division thereof, shall be conclusive or binding unless concurred in by a majority of the members of the Board, or of such division.

(b) When a decision has been reached by the Board, by a division thereof, by the Senior Member, or by the Secretary of the Navy, as the case may be, the Senior Member or the Secretary of the Board will advise the Chief of the Bureau concerned of such decision and of any action to be taken in regard to it. The Chief of the Bureau concerned will notify the parties of the decision and of the action taken with respect thereto.

§ 33.6 *Computation of time.* (a) Whenever these rules or any order of the Board prescribe a time within which any act must be performed, Sundays and legal holidays in the District of Columbia count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such legal holiday.

Provided, That when the time for performing any act is prescribed by statute nothing in these rules shall be deemed to be a limitation or extension of the statutory time period.

(b) The Board may extend or waive any period of time or other limitation upon its action, except as prevented by law, a contract provision, a directive or other regulation.

§ 33.7 *Definitions.* As used in these rules the term "contracting officer" includes any other authority from whose decision an appeal may be taken to the Secretary of the Navy pursuant to the provisions of a contract, a directive or an applicable statute, and also includes any person or persons representing the contracting officer or other authority in the matter covered by the rule.

§ 30.8 *Navy procurement directives.* Navy procurement directives are issued by the Secretary to all purchasing activities within the Naval Establishment for their guidance in the procurement of services and material. Copies of specific directives may be obtained by addressing a request to the Secretary of the Navy, Washington, D. C.

PART 40—NAVY PERSONNEL CLAIMS

See Part 41.

PART 41—NAVY GENERAL CLAIMS

The Navy General Claims Regulations and Navy Personnel Claims Regulations (Part 40), formerly published under Part 14 of this chapter were issued pursuant to the act of December 23, 1945 (59 Stat. 662; 31 U. S. C., Sup., 222c, 222d). With the enactment of the Federal Tort Claims Act of August 2, 1946 (60 Stat. 842) as amended by the act of August 1, 1947 (Pub. Law 324, 89th Cong.) certain of the Regulations concerning negligence claims became obsolete and are being revised. These new regulations will be published in due course. The Secretary of the Navy has promulgated the following interim instructions:

Public Law 601 cited as Legislative Reorganization Act of 1945 was approved 2 August 1946. Pertinent provisions of Title Four thereof cited as the Federal Tort Claims Act, authorize administrative settlement and payment of property damage and personal injury and death claims accruing on and after 1 January 1945 not exceeding one thousand dollars caused by negligent or wrongful act or omission of any employee of Government while acting within scope of his office or employment under circumstances where the United States, if a private person, would be liable to claimant for such damage, loss, injury or death in accordance with the law of the place where the act or omission occurred. Part 3 of Title Four confers exclusive jurisdiction on U. S. district court for district wherein plaintiff is resident or wherein act or omission occurred including the U. S. district courts for the Territories and possessions of the United States, sitting without a jury over claims for property damage or loss, or personal injury or death, occurring under conditions above described and makes United States liable to same extent as private individual except for interest prior to judgment and punitive damages. Claim is barred unless within one year after claim occurred or within one year after date of enactment of

Act, whichever is later, it is presented in writing to the federal agency out of whose activity it arises or court action is instituted.

The JAG (Judge Advocate General) of the Navy; the ASTJAG (Assistant Judge Advocate General) of the Navy; or the Chief of the General Law Division, Office of the JAG (Judge Advocate General) have been appointed designees to administer the Federal Tort Claims Act for the Navy. Pending further instructions the regulations promulgated for the administration of Public Law 277, 79th Congress (Act of Dec. 28, 1945, Ch. 597, 59 Stat. 662), published in Navy Department Bulletin 31 Jan. 1946 (11 F. R. 1156-1172), are applicable except in so far as in conflict with Public Law 601.

Provisions of certain laws authorizing consideration and adjustment of claims now cognizable under Public Law 601 are repealed.

PART 42—ADMIRALTY CLAIMS

Sec.

42.1 Delegation of final authority.

42.2 Limitation of settlement.

42.3 Public information.

AUTHORITY: §§ 42.1 to 42.3, inclusive, issued under sec. 7, 58 Stat. 726; 46 U. S. C. Sup. 797.

§ 42.1 *Delegation of final authority.* (a) Final authority for the settlement, where the amount paid does not exceed \$1,000,000 and where the matter is not in litigation, and direct payment of claims for damage caused by naval vessels and for towage or salvage services rendered to naval vessels are vested in the Secretary of the Navy (58 Stat. 726; 46 U. S. C. 797)

(b) Final authority for settlement is vested in the Secretary of the Navy, where the matter is not in litigation and where the amount collected does not exceed \$1,000,000 of claims of an Admiralty nature or for damage caused by a vessel or floating object to property of the United States, which is under the jurisdiction of the Navy Department or to property for which the Navy Department by contract or otherwise may have assumed responsibility (Act of December 5, 1946, Public Law 246, 79th Congress, 1st Session)

(c) The Secretary of the Navy is authorized to delegate final authority to such persons as he may designate to settle claims, not exceeding payment or collection of one thousand dollars under the aforesaid statutes. (Public Laws 595 and 598, respectively, 79th Congress.)

(d) The final authority to settle said claims, not exceeding payment or collection of one thousand dollars under the above statutes, has been delegated by the Secretary of the Navy to the Judge Advocate General, Assistant Judge Advocate General, and the Chief Admiralty Officer.

§ 42.2 *Limitation of settlement.* The authority of the Secretary of the Navy to effect settlement of claims under this act is subject to the same limitation as the Public Vessels Act (Act of March 3, 1925, c. 428, 43 Stat. 1112; 46 U. S. C. 781 et seq.) that is, a two-year period from the date of the origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such two-year period; otherwise, thereafter the cause of action ceases to exist and the Secre-

tary has no authority to effect settlement administratively. The "filing" of a claim, or its consideration by the Navy Department or correspondence or negotiation does not waive or extend the two-year limitation. Where damages have not been liquidated, settlements on the issue of liability can be effected during the two-year period, leaving the question of the extent of damage for later determination. A settlement within the two-year period in effect constitutes a contract upon which suit could be maintained in the Court of Claims, subject to its six-year limitation. Payment does not need be accomplished within the two-year period.

The requisite is an agreement between the Navy Department and the claimant prior to the expiration of the period when a suit under the Public Vessels Act would be barred, that is, the two-year period.

This limitation applies to all claims, both of a non-admiralty nature, such as damage to land structures, and to admiralty claims, which are settled under the act of July 3, 1944.

§ 42.3 *Public information.* Information as to the status of admiralty claims may be obtained upon application to the Chief Admiralty Officer, Office of the Judge Advocate General, Navy Department, Washington 25, D. C., or upon application to the Admiralty Officer or Legal Officer in the naval district where the matter may have arisen.

PART 43—FOREIGN, NON-COMBAT CLAIMS

Sec.

43.1 Settlement.

43.2 Public information.

AUTHORITY: §§ 43.1 and 43.2 issued under sec. 1, 55 Stat. 880, as amended; 31 U. S. C., Sup. 224d.

§ 43.1 *Settlement.* Foreign, non-combat claims may be allowed by a commission appointed by the Commanding Officer of the area of not more than one member when the amount is not greater than \$500.00, and three members when the amount is between \$500.00 and \$2,500.00. Such commissions have final authority (not subject to review) to approve payments up to \$2,500.00 in settlement of claims. Claims between \$2,500.00 and \$5,000.00 may be paid when the Commanding Officer has approved the award. Awards in excess of \$5,000.00 are reviewed by the Judge Advocate General and after appropriate administrative action are reported to the Congress for consideration.

§ 43.2 *Public information.* Information relative to claims may be procured by communicating with the Judge Advocate General, Navy Department, Washington 25, D. C.

PART 44—GUAM CLAIMS

Sec.

44.1 Settlement.

44.2 Public information.

AUTHORITY: §§ 44.1 and 44.2 issued under 59 Stat. 582, ch. 483.

§ 44.1 *Settlement.* Combat and non-combat claims of permanent residents of Guam for damage to real and personal

property may be allowed by the Guam Land and Claims Commission up to \$2,500.00 and with approval of the Governor of Guam, up to \$5,000.00. Claims for damage to real and personal property in excess of \$5,000.00, and all death and injury claims are reviewed by the Judge Advocate General and after appropriate administrative action are reported to the Congress for consideration.

§ 44.2 *Public information.* Information relative to claims may be obtained by writing the Judge Advocate General, Navy Department, Washington 25, D. C.

PART 45—AMERICAN SAMOA NAVAL DEFENSIVE SEA AREAS AND NAVAL AIRSPACE REGULATIONS

AMERICAN SAMOA—ROSE ISLAND

Sec.

45.1 Rose Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.

AMERICAN SAMOA—TUTUILA ISLAND

45.2 Tutuila Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.

45.3 Conduct of foreign vessels after entry.

45.4 Regulations not applicable to small boats owned and manned by native residents.

45.5 Tutuila Island Naval Airspace Reservation closed to foreign aircraft.

45.6 Tutuila and Rose Island Naval Defensive Sea Areas and Naval Airspace Reservations defined.

45.7 Penalty for violations.

AUTHORITY: §§ 45.1 to 45.7, inclusive, issued under 44 Stat. 570; 49 U. S. C. 174, E. O. 8683, Feb. 14, 1941, E. O. 8729, Apr. 2, 1941, 3 CFR, Cum. Supp.

NOTE: Sections 45.1 to 45.7, inclusive, are also contained in Regulations, Governor of American Samoa, Oct. 1, 1941, effective Oct. 24, 1941.

AMERICAN SAMOA—ROSE ISLAND

§ 45.1 *Rose Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.* No person, vessel or aircraft other than persons in public vessels of the United States, and public aircraft of the United States, will be permitted to enter the Rose Island Naval Defensive Sea Area or the Rose Island Naval Airspace Reservation unless specifically authorized so to do by the Secretary of the Navy or the Commandant in each case. Should any vessel or aircraft be so authorized it shall enter Pago Pago Harbor prior to such entry and shall receive and carry out any specific instructions concerning the entry as may be issued by the Commandant.

AMERICAN SAMOA—TUTUILA ISLAND

§ 45.2 *Tutuila Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.* No vessel or other craft, other than public vessels of the United States, shall enter the Tutuila Island Naval Defensive Sea Area unless specifically authorized so to do by the Secretary of the Navy or the Commandant. Vessels or other craft engaged in inter-island commerce which takes them to Tutuila at frequent intervals and the vessels of the Matson Navigation Company that make

scheduled calls at Pago Pago Harbor, Tutuila, may apply for and receive, if the Commandant approves, permits to enter the Tutuila Island Naval Defensive Sea Area for the purpose of entering Pago Pago Harbor, valid until revoked. All other vessels or craft must obtain permission to enter the Tutuila Island Naval Defensive Sea Area covering each visit to Pago Pago Harbor. Local agents for such vessels or craft may obtain such permission for entry prior to arrival of the vessel. Where no local agent is available, vessels or craft shall obtain permission by letter or despatch prior to arrival, or remain outside the Tutuila Island Naval Defensive Sea Area until boarded by a representative of the Commandant and by him granted authority upon the direction of the Commandant to enter.

§ 45.3 *Conduct of foreign vessels after entry.* Entry into the Tutuila Island Naval Defensive Sea Area, once a permit to enter or authority to enter is received, shall be governed by the following instructions:

(a) Entry into the Tutuila Island Naval Defensive Sea Area by other than public vessels of the United States shall not be made between the hours of sunset and sunrise. Vessels or craft approaching Pago Pago Harbor at night must remain outside the said area until after sunrise.

(b) Entry into the Tutuila Island Naval Defensive Sea Area between the hours of sunrise and sunset shall be made only on the South, East and West sides of the Island and vessels shall proceed after such entry toward Pago Pago Harbor.

(c) Vessels or other craft shall not leave Pago Pago Harbor between the hours of sunset and sunrise unless specifically authorized by the Commandant in each case and if so authorized they shall clear the Tutuila Island Naval Defensive Sea Area by the most direct route.

(d) Vessels or other craft shall show their colors while in the Tutuila Island Naval Defensive Sea Area.

§ 45.4 *Regulations not applicable to small boats owned and manned by native residents.* Long boats, bonita boats and paopaos belonging to, and manned by, native residents of American Samoa are specifically excluded from the operation of this part.

§ 45.5 *Tutuila Island Naval Airspace Reservation closed to foreign aircraft.* Aircraft, other than public aircraft of the United States shall not enter the Tutuila Island Naval Airspace Reservation unless specifically authorized so to do by the Commandant. If so authorized for the purpose of landing at Pago Pago Harbor they shall, prior to assuming a position for landing, enter the Naval Airspace Reservation from the southward on the bearing of the entrance range to Pago Pago Harbor at an altitude of not more than two thousand feet to permit identification and then may proceed to land. Any authorized entries into the Tutuila Island Naval Airspace Reservation shall be made only between the hours of 8:00 a. m. and sunset.

§ 45.6 *Tutuila and Rose Island Naval Defensive Sea Areas and Naval Airspace Reservations defined.* Tutuila and Rose Island Naval Defensive Sea Areas are the territorial waters between the extreme high-water marks and the three-mile marine boundaries surrounding the islands of Tutuila and Rose. Tutuila and Rose Island Naval Airspace Reservations are the airspaces over the said territorial waters and Islands.

§ 45.7 *Penalty for violations.* Any violation of Executive Order 8683, as corrected by Executive Order 8729, and as amended issued by the President of the United States or any violation of the regulations issued by the Commandant, Naval Station, Tutuila, shall constitute a violation of the law of American Samoa and any person convicted of any such violation shall be punished by imprisonment for not more than five years, or by a fine of not more than \$5,000, or both.

PART 46—GUAM NAVAL DEFENSIVE SEA AREA AND NAVAL AIRSPACE RESERVATION

- Sec.
- 46.1 Naval defensive sea area closed between sunset and sunrise.
- 46.2 Persons authorized by Secretary of War and Civil Aeronautics Authority may navigate aircraft in naval airspace reservation.
- 46.3 Laws and regulations must be obeyed.
- 46.4 Governor shall take steps to apprehend vessels, aircraft or persons violating Executive order.
- 46.5 Governor shall formulate additional rules and regulations and instructions.
- 46.6 Governor of Guam designated representative of Secretary of Navy in enforcement of Executive order, rules and regulations.

AUTHORITY: §§ 46.1 to 46.6, inclusive, issued under 44 Stat. 570; 49 U. S. C. 174, E. O. 2683, Feb. 14, 1941, E. O. 8729, Apr. 2, 1941, 3 CFR, Cum. Supp.

NOTE: Sections 46.1 to 46.6, inclusive, are also contained in Regulation, Governor of Guam, July 8, 1941, modified and approved by Secretary of Navy, Sept. 15, 1941, effective Oct. 24, 1941.

§ 46.1 *Naval defensive sea area closed between sunset and sunrise.* Passage of any vessel into or out of the Guam Island Naval Defensive Sea Area between the hours of sunset and sunrise is prohibited, except when specifically permitted by the Governor of Guam.

§ 46.2 *Persons authorized by Secretary of War and Civil Aeronautics Authority may navigate aircraft in naval airspace reservation.* The Secretary of the Navy hereby authorizes any person to whom authority has been granted by the Civil Aeronautics Authority or by the Secretary of War to navigate any aircraft to, via, or over the Island of Guam, to navigate such aircraft in the Guam Island Naval Airspace Reservation in accordance with the terms of such authority.

§ 46.3 *Laws and regulations must be obeyed.* All persons, vessels, and aircraft entering the Guam Island Naval Defensive Sea Area or the Guam Island Naval Airspace Reservation, whether or not in violation of Executive Order 8683, as corrected by Executive Order 8729, shall

strictly obey the laws of Guam, and shall be governed by such regulations and restrictions upon their conduct and movements as may be established by the Governor of Guam, whether by general regulation or by special instructions in any case.

§ 46.4 *Governor shall take steps to apprehend vessels, aircraft, or persons violating Executive order.* The Governor of Guam shall take all practical measures to apprehend vessels, aircraft and persons violating the provisions of Executive Order 8683, as corrected by Executive Order 8729, and shall hold each such violator in custody pending receipt of instructions from the Secretary of the Navy.

§ 46.5 *Governor shall formulate additional rules and regulations and instructions.* The Governor of Guam shall establish and maintain such further rules and regulations, and shall issue such special instructions in each case, as he may deem necessary for carrying out the provisions of Executive Order 8683, as corrected by Executive Order 8729.

§ 46.6 *Governor of Guam designated representative of Secretary of Navy in enforcement of Executive order, rules and regulations.* In all matters pertaining to the local administration of the Guam Island Naval Defensive Sea Area and the Guam Island Naval Airspace Reservation, the Governor of Guam is hereby designated as the representative of the Secretary of the Navy, with full authority to enforce the provisions of Executive Order 8683, as corrected by Executive Order 8729, and all regulations issued pursuant thereto.

PART 50—MISCELLANEOUS RULES

- Sec.
- 50.1 Observance of laws by commanding officers.
- 50.2 Relations with civil activities.
- 50.3 Trespassing on naval vessels.
- 50.4 Visitors on vessels under construction.
- 50.5 Defence of Pearl Harbor.
- 50.6 Outside athletic competition; restrictions.
- 50.7 Admission fees for entertainments and athletic contests held on naval reservations or on board naval vessels.
- 50.8 Indebtedness of and note endorsing by naval personnel.
- 50.9 Deserters; accomplices.
- 50.10 Deserters; rewards.
- 50.11 Insignia to be worn on uniform by persons not in the service; definition of "occasion of ceremony."
- 50.12 Alcoholic liquors on naval stations.
- 50.13 Merchant crews.
- 50.14 Mail transportation in Navy planes.
- 50.15 Commercial advertising.
- 50.16 Photographs of naval subjects.
- 50.17 Photographs and sketches of military or naval subjects.

AUTHORITY: §§ 50.1 to 50.17, inclusive, issued under R. S. 161; 5 U. S. C. 22. Exceptions are noted in parentheses following portions affected.

§ 50.1 *Observance of laws by commanding officers.* (a) The commandant or commanding officer of any naval station or other naval reservation situated within the limits of any State, Territory, or District, which has been acquired by the United States through purchase or

otherwise for naval purposes, and over which the United States has exclusive jurisdiction, shall require all persons within the limits of such stations or reservations strictly to observe all existing Federal laws, including the penal laws creating offenses, not otherwise covered by any act of Congress, of the State, Territory, or District wherein the station is located in effect on April 1, 1935, and remaining in effect, which have been adopted as Federal laws by section 289 of the United States Criminal Code.

(b) Persons not in the naval service who commit offenses within the limits of such station or reservation, including the offenses contemplated by section 289 of the United States Criminal Code, are subject to trial in the United States District Court for the district in which the station is situated. (49 Stat. 394; 18 U. S. C. 463) [U. S. Navy Regs., Art. 1515, pars. 1, 3]

§ 50.2 *Relations with civil activities.*

(a) All activities of whatever nature carried on within the limits of a naval station or on board vessels of the Navy shall be under naval control.

(b) All naval authorities should cultivate and maintain cordial and friendly relations with any organization which desires to contribute to the welfare of the personnel of the Navy outside of naval stations and on shore generally.

(c) Commandants of all naval districts, including the Commandants of the Severn and Potomac River Naval Commands, will submit annually on the 31st day of December a summarized list of naval clubs and other social activities within the district under their command which furnished recreational facilities for enlisted personnel while on shore on liberty or leave, giving the location of such activities with any pertinent comment. [Art. E-7501, Bu. Pers. Manual]

§ 50.3 *Trespassing on naval vessels.*

(a) No person shall, unless duly authorized by proper authority, enter or remain in or upon any vessel or other waterborne craft of the Navy which has been determined, as provided in Navy Regulations, to be in an inactive status.

(b) Wilful violation of the regulations in this part or of any order issued thereunder is a misdemeanor punishable by a fine not to exceed \$5,000, or imprisonment for not more than one year, or both, under the act of July 9, 1943. (57 Stat. 391, 50 U. S. C. App., Sup., 1311)

§ 50.4 *Visitors on vessels under construction.*

(a) No visitor shall be allowed to go on board vessels of the Navy under construction except by the permission of the senior naval officer present; and no such permission shall be given to any one not known to be an American citizen of good standing and repute.

(b) Visitors representing foreign governments, or known to be other than American citizens, shall not be permitted to visit such vessels except by authority of the Chief of Naval Operations (Office of Naval Intelligence) and they shall in all cases be accompanied by a naval officer on duty at the naval shipyard or works where the vessel is building. The

officer accompanying such visitor shall report to the Chief of Naval Operations (Chief of Naval Intelligence) in writing a summary of the facilities afforded and information given in each visit. (R. S. 1547; 34 U. S. C. 591) [U. S. Navy Regs., Art. 1545]

§ 50.5 *Defense of Pearl Harbor*

(a) The area of water in Pearl Harbor, Island of Oahu, Territory of Hawaii, lying between extreme high-water mark and the sea, and in and about the entrance channel to said harbor, within an area bounded by the extreme high-water mark, a line bearing south true from the southwestern corner of the Puuloa Naval Reservation, a line bearing south true from Ahua Point Lighthouse, and a line bearing west true from a point three nautical miles due south true from Ahua Point Lighthouse, has been established as a defense sea area for purposes of national defense and no persons (other than persons on public vessels of the United States) are permitted to enter this defensive sea area and no vessels or other craft (other than public vessels of the United States) are permitted to navigate in this area, except by authority of the Secretary of the Navy. (E. O. 8143, May 26, 1939, 3 CFR Cum. Supp.)

(b) For the purpose of acting on requests of vessels registered, enrolled, or licensed under the laws of the United States, whose normal legitimate business requires entry into Pearl Harbor, the Commandant, Fourteenth Naval District is designated as the representative of the Secretary of the Navy, with authority to act on such requests.

(c) The Commandant of the Navy Yard, Pearl Harbor, is responsible for prescribing and enforcing such rules and regulations as may be necessary for insuring security and for governing the navigation, movements, and anchorage of vessels in the waters of Pearl Harbor and in the entrance channel thereto. (E. O. 8143, May 26, 1939, 3 CFR, Cum. Supp.) [U. S. Navy Regs., Art. 1552]

§ 50.6 *Outside athletic competition; restrictions.* Participation by ship or station teams in athletic sport and by individuals in professional boxing and similar contests over which commander in chief, commandants, or commanding officers have no jurisdiction shall not be allowed. No men shall be allowed to accept money for services as members of athletic teams. (Sec. 35, 39 Stat. 188, 612; 34 U. S. C. 449) [Art. E-7202, Bu. Pers. Manual]

§ 50.7 *Admission fees for entertainments and athletic contests held on naval reservations or on board naval vessels.*

(a) As a matter of policy, the charging of admission fees for entertainments including motion-picture exhibitions or athletic contests held on a naval reservation or on board a vessel of the Navy is not permitted unless the proceeds therefrom are to be devoted to charity and the sanction of the department is obtained.

(b) In no case shall admission fee be charged to boxing bouts held on board vessels of the Navy or on naval reservations. When boxing bouts are held on board vessels of the Navy or on naval

reservations within the territorial limits of a State having laws prohibiting boxing, the general public shall not be admitted to such boxing bouts. [Art. E-7203, Bu. Pers. Manual]

§ 50.8 *Indebtedness of and note endorsing by naval personnel.* (a) The assistance of all naval personnel is desired in reducing correspondence on the subject of the personal indebtedness of officers and men.

(b) The Bureau (of Naval Personnel) will not act as a collecting agency.

(c) Commanding officers will investigate each indebtedness complaint and take such action as the case warrants. The Bureau desires that these matters be handled locally.

(d) Every discouragement should be offered to firms selling on the installment plan or other forms of credit articles not classed as necessities. Such firms understand that they have recourse to civil action; that few naval men have property which can be attached; some are unaware of the fact that the pay of naval men cannot be garnished.

(e) In cases of judgment by civil courts against naval personnel, appropriate action will be taken by commanding officers or by this Bureau.

(f) Officers frequently find themselves involved in financial difficulties through having endorsed notes for irresponsible members of the naval service. If officers are unwilling or unable to make good the sum involved in a note defalcation, they should never endorse it.

(g) Cases growing out of the ordinary kind of indebtedness meet with a certain amount of sympathy in the Bureau, though chronic cases are tried by general court-martial.

(h) The Bureau has no intention of discouraging officers in seeking financial assistance from their brother officers to meet legitimate needs. It does desire, however, to impress on all officers a full realization of the responsibility that they assume when they endorse a note. [Art. C-8003, Bu. Pers. Manual]

§ 50.9 *Deserters; accomplices.* Every person who entices or aids any person in the naval service to desert, or who harbors or conceals any such person, knowing him to be a deserter, or who refuses to give up such person on the demand of any officer authorized to receive him, is liable to punishment by imprisonment and fine, to be enforced in any court of the United States having jurisdiction. (Sec. 42, 35 Stat. 1097; 18 U. S. C. 94) [U. S. Navy Regs., Art. 1706]

§ 50.10 *Deserters; rewards.*¹ (a) When a person has been absent without authority for more than 24 hours and has not communicated with his commanding officer, giving reasons for his absence, a reward not exceeding \$25 shall be offered by the commanding officer for the delivery of the straggler into the custody of

¹There is no law specifically authorizing a reward for apprehension and delivery of stragglers and deserters. There has been for years an appropriation for expenses of such apprehension. In the absence of law, the regulations approved by the President have the effect of law.

the naval authorities at such place and within such time as may be prescribed in general or specific instructions issued by the Bureau of Naval Personnel or in case of a marine, by the Commandant, U. S. Marine Corps.

(b) When a person is declared a deserter, a reward not exceeding \$50 shall be offered for the apprehension and delivery of such deserter into the custody of naval authorities, under such instructions as may be issued by the Bureau of Naval Personnel or, in case of a marine, by the Commandant, U. S. Marine Corps.

(c) Rewards paid for delivery of a deserter or straggler, in no case exceeding \$50 or \$25, respectively, shall be checked against the accounts of such deserter or straggler, and shall be in full satisfaction of all expenses for arresting and keeping and delivering such deserter or straggler, other than the expense of telegraphing. In extraordinary cases where, by reason of the distance to be traveled, the amount of such reward will not compensate, transportation may be furnished upon the order of the Bureau of Naval Personnel or the Commandant, U. S. Marine Corps, as the case may be, to the civil officer from the place of arrest to the place of delivery, and the return of such officer, in addition to the reward of \$50 or \$25, as the case may be. (R. S. 1547; 34 U. S. C. 591) [U. S. Navy Regs., Art. 1697]

§ 50.11 *Insignia to be worn on uniform by persons not in service; definition of "occasion of ceremony."* (a) Section 125 of the National Defense Act, approved June 3, 1916, as amended by section 8 of the Naval Appropriation Act, approved June 4, 1920 (39 Stat. 216, 41 Stat. 836; 10 U. S. C. 1393) provides that members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy or Marine Corps, regular or volunteer, may, upon occasions of ceremony, wear the uniform duly prescribed by such societies to be worn by the members thereof.

(b) It further provides that instructors and members of duly organized cadet corps at certain institutions of learning and under certain conditions may wear the uniform duly prescribed by the authorities of such institutions.

(c) This Act further provides that the uniform worn by members of the above military societies or by members and instructors of the cadet corps mentioned therein shall include some distinctive mark or insignia to be prescribed by the Secretary of War or the Secretary of the Navy to distinguish such uniforms from the uniforms of the Army, Navy, or Marine Corps.

(d) Accordingly, the following mark is hereby designated to be worn by all persons wearing the Naval or Marine Corps uniform as provided in (a) (b) and (c) A diamond, $3\frac{1}{2}$ inches long in the vertical axis and 2 inches wide in the horizontal axis, of any cloth material, white on blue, forestry green, or khaki clothing and blue on white clothing. This figure shall be worn on all outside clothing on the right sleeve, at the point of the shoulder, the upper tip of the diamond

to be one-fourth inch below the shoulder seam.

(e) Within the meaning of the above cited Acts, an "occasion of ceremony" shall be construed to be an official function which a person attends in his capacity as a war veteran or as a member of a military society as described in the Act of June 3, 1916. (Sec. 125, 39 Stat. 216, sec. 8, 41 Stat. 836; 10 U. S. C. 1393) [G. O. 8, May 13, 1935]

§ 50.12 *Alcoholic liquors on naval stations.* The introduction, possession, or use of alcoholic liquors for drinking purposes or for sale is prohibited within navy yards, marine barracks, naval stations, and other places ashore under the jurisdiction of the Navy Department which are located in States, Territories, or in insular possessions in which the possession or use of such liquors for drinking purposes is not permitted by law. (R. S. 1547; 34 U. S. C. 591) [U. S. Navy Regs., Art. 118, par. 2]

§ 50.13 *Merchant crews.* Vessels under the jurisdiction of the Navy in foreign ports having merchant crews are amenable to navigation laws. Crews must be shipped and discharged before consuls and papers deposited with consuls, except in those cases where anticipated orders for prompt movement makes this course undesirable, in which case the consul is to be notified. (R. S. 1547; 34 U. S. C. 591) [U. S. Navy Regs., Art. 165]

§ 50.14 *Mail transportation in Navy planes.* No mail other than official Government mail and bona fide correspondence addressed to or originating from the personnel of naval vessels or stations and naval units shall be transported in Navy planes making flights outside the continental limits of the United States except by express authority of the Secretary of the Navy. In no case shall mail so carried be marked or stamped in such a manner as to indicate that it was transported in naval aircraft. [G. O. 92, Jan. 23, 1937]

§ 50.15 *Commercial advertising.* (a) The Navy Department will not object to commercial firms advertising that their products are or have been supplied to or used by the Navy, *Provided:*

(1) That no information held as confidential by the Navy is divulged.

(2) That the advertising constitutes a statement of fact with no misleading or otherwise objectionable features.

(3) That no mention is made of the fact that a product has undergone or is undergoing test at the instance of or under the cognizance of the Navy Department, and that there are included no data derived from tests made in Government laboratories or on board naval vessels.

(4) That no statement is made that the product is used by the Navy to the exclusion of other similar products.

(5) That all copy, text, and photographs to appear are submitted for review prior to release.

(b) The following regulations govern the use of naval insignia, uniforms, and personnel in advertisements or publicity stories:

(1) *Insignia.* Reproductions of naval insignia may be used in advertising and publicity. *Provided,* That the dignity of such insignia is not compromised.

(2) *Uniforms.* Actual uniforms may be used for illustrations: *Provided,* That the dignity of such uniforms is not compromised. There is no objection to the use of professional models photographed in naval uniforms: *Provided,* That the foregoing regulations are observed.

(3) *Personnel.* Navy personnel may be used under the following conditions:

(i) The action may not in any way reflect discredit upon the Navy.

(ii) The action or pose shall in no way infer the products advertised are endorsed by the Navy to the exclusion of other products.

(iii) Testimonials from Navy personnel are not banned per se, but the person giving the testimonial cannot be specifically identified. The use of name, initials, or rank of Navy personnel appearing in testimonial advertising is not permitted. However, it is permissible to use the expression "says a Navy Captain," etc. Care should be taken to phrase testimonials from Navy personnel so as to make clear that the views expressed are those of individuals and not of the Navy Department.

(iv) Names and pictures of naval personnel shall not be used for advertising purposes without first obtaining the permission of the man in question and without submission of the advertisement, in completed form, to the Office of Public Relations for review and approval prior to publication.

(v) Should an advertiser contemplate the use of Navy heroes in a manner not covered by the foregoing, he should be requested to submit photographs and text material to the Office of Public Relations, Review Section, Washington, D. C., for review prior to publication.

(c) In each case in which any bureau or office of the Navy Department or other agency in the naval service receives an inquiry on this subject, it will reply in the sense of the foregoing.

(d) So far as practicable, the review of advertising copy by naval authority will be carried out by the commandant of the naval district within which the advertising company is located.

(e) When there is doubt as to the propriety of the copy of photographs, reference should be made to the Office of Public Relations, Review Section, Navy Department, Washington, D. C. [G.O. 201, Oct. 16, 1943]

§ 50.16 *Photographs of naval subjects—(a) Basic considerations.* (1) In conformity with the provisions of Article 124, United States Navy Regulations, 1920, detailed instructions are hereby issued governing photography within naval jurisdiction in order to permit prompt release and publication of photographs and motion pictures portraying nonconfidential Navy matter beneficial alike to the public and to the Navy.

(2) The following considerations are basic:

(i) The administration must be decentralized insofar as consistent with the security of information which in the interest of National Defense, should be

permanently or temporarily limited in circulation.

(ii) The responsibility for the supervision of the taking of photographs must be placed upon the officer in command at the place where the object is photographed.

(iii) The protection of confidential matter from compromise by means of photography must depend upon knowledge of the confidential nature of material and upon the physical covering of any confidential item within the field of even a distant camera.

(iv) Photographs may be released by the officer in command at the place where the object is photographed except as restricted by paragraph (g) (2) of this section. Cases of doubt should be referred to Secretary of the Navy (Director of Public Relations)

(b) *Responsibility*—(1) *Designation of responsible officer* Subject to these instructions and orders from higher naval authority, commanding officers of naval vessels, naval inspectors, commandants of navy yards, and commanding officers of other shore stations shall have full cognizance of and responsibility for the making of photographs within their naval jurisdiction whether by naval personnel or by other than naval personnel.

(2) *Supervision.* The taking of all photographs within naval jurisdiction shall be supervised by those in authority at the place where the photographs are taken. However, commanding officers are directed to obtain photographs at times of emergency, disaster, and combat action. Security shall be maintained by proper handling of negative material in accordance with current instructions regarding the disposition of classified matter.

(3) *Higher authority.* When competent authority higher than the commanding officer of a ship or station authorizes the taking of photographs, by despatch or official letter, such authorization in no way relieves the local authority from responsibility regarding supervision, censorship, and release of photographs taken except as specified in the order authorizing the photographs.

(4) *Source of information on restricted subjects.* The general policy with respect to matter considered confidential is contained in the United States Navy Regulations. Attention is invited to Article 75½, 76, 113, 124, and 128, United States Navy Regulations, 1920. More detailed instructions as to the current policy with respect to publicity regarding naval vessels and naval aeronautics are issued from time to time by the Secretary of the Navy in letter form. Further detailed instructions regarding specific confidential equipment are issued from time to time by the chiefs of the bureaus having cognizance thereof.

(5) *Reference to Navy Department in cases of doubt.* Where there is doubt as to the advisability of making or releasing any photograph for publication, reference, with recommendation, will be made to the Secretary of the Navy (Director of Public Relations) When an official Navy still photograph is referred to the Navy Department for review, the original negative and two prints will be forwarded to the Chief of the Bureau of

Aeronautics. All copies of negatives and photographs of combat action against the enemy which show loss of or damage to U. S. combatant ships, or fleet operations knowledge of which must be kept in the limited distribution category, should be forwarded via the Commander in Chief, United States Fleet, who will take appropriate action as to further disposition. All still negatives and prints made by commercial photographers shall remain under naval jurisdiction until such negatives have been released. In the case of commercial photographers one additional print should be forwarded to the Secretary of the Navy (Director of Public Relations) for the Department files.

(6) *Designation of released photographs.* (i) When a still photograph made by a commercial photographer is released, a file copy of the photograph and a record with the following information will be kept:

Title and office file number _____
Date _____
To _____
(Name of receiver and company, if any)
By _____
(Signature of releaser)
Station _____
(Ship or office)
Taken by _____
(Source of photograph)

(ii) When an "official Navy photograph," except of pictures of personnel, is issued to any person or activity outside naval jurisdiction, it shall bear the following statement written or stamped on the back:

Watch Your Credit

No objection to reproducing or publishing this photograph provided this credit line is used.

Official U. S. Navy Photograph

This photograph may be used for commercial advertising if accompanying copy and lay-out are submitted, prior to publication, to the

Office of Public Relations
Photographic Section
Navy Department
Washington, D. C.

(iii) When an "Official Navy Photograph" of personnel is issued the following statement shall be written or stamped on the back:

Released Official Navy Photograph

If published,
credit line must read

Official U. S. Navy Photograph

(7) *Immediate release of unseen photographs.* (i) When the supervision of the taking of photographs has been such as to preclude the inclusion of subjects prohibited for release, the officer granting permission to take these pictures may release them immediately for publication without prior inspection of the prints and negatives, subject to subsequent compliance with paragraph (b) (6) The provisions of this subparagraph do not relieve the officer releasing the unseen photographs from his responsibility as specified in paragraph (b) (1)

(ii) Unofficial pictures taken outside naval jurisdiction by Naval Personnel do not require review by Naval authority.

(8) *Disposal of old photograph files.* After a photograph has been retained in file for 1 year, the photograph may be eliminated from file by forwarding the file prints, and records of release to the following offices:

(i) Photographs filed in photographic laboratories under the cognizance of the Bureau of Aeronautics will be handled in accordance with the provisions of the Bureau of Aeronautics Manual.

(ii) Technical photographs to cognizant bureaus.

(iii) Other photographs, in released or unreleased status, to the Secretary of the Navy (Director of Public Relations), including all prints and negatives.

(c) *Photographs by Naval personnel*—

(1) *Official photographers.* A commanding officer, or higher authority, may grant persons in the naval service permission to act as the official photographers for the activity under his jurisdiction. Such permission does not relieve the authorizing official from responsibility for supervision of photographs taken. The development of negatives and printing will be accomplished under naval jurisdiction.

(2) *Privately owned cameras.* Cameras are permitted to naval personnel on board naval ships for taking pictures outside naval jurisdiction. While on board cameras will be in custody of the commanding officer. Under no circumstances will they be used aboard ship without official permission and competent supervision. (See paragraph (b) (7) (ii)) Use of or the possession of privately owned cameras at shore stations shall be in accordance with such local regulations as may be prescribed. (See paragraph (d) (2) (ii).)

(d) *Civilian photographers (still pictures)*—(1) *Identification cards.* In order to facilitate identification of persons known to be engaged in photographic work and to have a legitimate interest in naval subjects, commandants of naval districts may issue annual photographer's identification cards to persons of United States citizenship, good only for the calendar year in which issued. These cards will not constitute authorization for taking pictures. The identification card will bear the photograph and signature of the person to whom issued, both stamped with the seal of the issuing office.

(2) *Naval transportation of commercial photographers.* (i) Permission for civilians to take photographs which involves taking passage on a naval ship or aircraft will be granted only by special authority of the Navy Department, except that in cases of natural catastrophe or other emergency where prompt action is indispensable, the Senior Officer may authorize the passage of photographers of a naval ship or aircraft. In such event full report of the circumstances will be made to the Navy Department.

(ii) All unofficial photographs, still or motion picture, taken by naval personnel within naval jurisdiction with their own equipment shall be subject to review. If, in judgment of the reviewing authority, such photos are of public interest, prints or copies shall be released as "Official Navy Photos" without recom-

pense to the photographer. However, the unclassified portions of the original film may be returned to the owner, at the discretion of the reviewing authority, for his unrestricted use. Classified portions which may be of use to the naval establishment will be turned over to the cognizant bureaus for their noncommercial use.

(3) *Responsibility for photographs taken during passage.* Commanding officers of ships and aircraft on which civilian photographers are taking passage are responsible, in accordance with the provisions of this section, for all photographs taken by such photographers.

(4) *Agreements between competing photographers.* In order not to adversely affect the interests of organizations engaged in photographic work, requests to make photographs featuring naval subjects will not be made known to competitors. But if more than one request is received equal privileges will be granted to all applicants at the discretion and convenience of the naval authorities concerned. Should it be impracticable for more than one photographer to cover the subject, the photographer selected will be chosen by lot with the understanding, before he is chosen, that he is required to cover the event equitably for all parties who have requested permission. The terms of this equitable agreement shall be set forth before choice by lot is made, and failure of the chosen party to comply fully with such agreement will bar him from further photographic privileges.

(5) *Agreement between naval authority and photographers.* Before permission to take photographs (still) within naval jurisdiction is granted, it will be expressly agreed by the civilian photographer that:

(i) The Navy will be given one copy of every photograph (still) taken for its noncommercial use without reference to and entirely independent of any copyright.

(ii) Two prints of each photograph taken will be submitted for censorship—one print for the censoring authority's file and one print for return to photographer if released by censor, except one print only required under conditions stated in paragraph (b) (7) (i). The custody of all negatives will remain in naval jurisdiction until release is completed.

(iii) All prints not released by the censor and their negatives will become the property of the Navy for noncommercial use.

(iv) Only those photographs specifically released by the censor will be made public.

(v) In event any photograph in this category is to be used in connection with an advertisement, all copy and text to appear with the photograph will be submitted in duplicate to naval authority for censorship prior to release of the advertisement. (See § 50.15.)

(6) *Liability of civilian photographer under Espionage Act.* Civilian photographers shall be informed that the retention of negatives or prints or the publishing of photographs in violation of their agreements or failure to deliver

negatives or prints to proper naval authority upon demand may render them liable to prosecution under the Espionage Act.

(7) *Protective measures for prevention of compromise of confidential matter.* In order to protect the interests of the Navy without adversely affecting the interests of organizations engaged in photographic work, whenever a civilian photographer ("still" or "motion picture") is authorized to take pictures of a naval subject an officer or other qualified expert will be detailed to act in an advisory capacity to the photographer in order to prevent the disclosure of objects which the Navy does not wish to be photographed. Experience has shown that a majority of the pictures requiring censorship could have been released for publication were it not for inadvertent disclosure of confidential matter in the background. Attention is invited to paragraph (a) (2) (iii) of this section.

(8) *Artists, sketchers, and draftsmen.* The provisions of this section will apply wherever applicable to artists, sketchers, and draftsmen.

(e) *Motion pictures, commercial—(1) Authorization for naval cooperation.*

The Secretary of the Navy (Director of Public Relations) may authorize naval cooperation with commercial motion-picture producers in recognition of the value to both the public at large and the naval service in the production of accurate portrayals of naval life. The cooperation between the motion-picture producers and the Navy will involve, on the part of the motion-picture producer, agreement in writing to adhere to the restrictions and requirements imposed by this section and, on the part of the Navy, assistance to the motion-picture producers in the technical supervision of the taking of the picture to prevent the inclusion of matter not desired to be made public. The procedure for censorship of these pictures depends upon whether they are feature motion pictures, news reels, or other films.

(2) *Feature motion pictures.* A feature motion picture for the purpose of this section is interpreted to be any motion picture over 4,000 feet in length.

(i) The Secretary of the Navy (Director of Public Relations) requires that the scenarios of feature motion pictures involving any naval cooperation or the portrayal of naval personnel or naval subjects, be reviewed by that office prior to production.

(ii) The naval authority designated to cooperate with the producing company will provide, in the interest of security, for naval supervision of all footage taken within naval jurisdiction and where practicable, for prompt local provisional censorship of such footage as may be considered questionable for release by the supervisor. The local provisional censorship is for the purpose of promptly bringing to the attention of both the producing company and the Navy Department film which is questionable and is not for the purpose of censoring script or dialogue. One print of all the questioned footage for the given production will be forwarded as confidential matter by the naval authority concerned to the Secretary of the Navy (Director of Pub-

lic Relations). The producing company will be informed when the questioned film is forwarded.

(iii) All feature motion pictures produced with naval cooperation, or involving naval personnel or naval subjects, will be submitted by the Producing Company to the Secretary of the Navy (Director of Public Relations) for review and censorship by that office in the Navy Department, Washington, D. C., prior to release.

(iv) Whenever a feature motion picture is produced with naval cooperation, the Navy Department reserves the right to acquire without cost a number of positive prints of such feature motion pictures equal to the number of positive prints called for in the current contracts for the lease of motion pictures, and to use them in any manner it may see fit, except that these prints shall not be used commercially nor shall they be exhibited at shore stations until out of their prerelease status.

(3) *Newsreels.* Newsreels of naval subjects for which naval cooperation is granted will be accorded naval supervision in accordance with paragraph (d) (7) of this section. A lavender print of scenes made by newsreels of Navy subjects will be forwarded to Commandant, Third Naval District, unless otherwise directed, and the film so submitted will not be released until it has been approved, in accordance with existing orders and instructions issued by the Navy Department. This lavender print will be shipped to the Navy Department and retained for its own use and will not be released for commercial purposes without express permission of the Company having proprietary right to the original negative.

(4) *Latitude allowed commercial motion picture producers.* In view of the strict control exercised over motion pictures taken in naval jurisdiction, and in order to meet the legitimate requirements of motion-picture producers for scenes of a spectacular nature, motion-picture photographers of simple fleet maneuvers, aircraft in flight, distant views of ships firing, interior views of living quarters and similar scenes which do not disclose information of a confidential nature may be permitted subject to final censorship.

(5) *Training films.* All companies producing motion pictures or film strips for the Navy Department for primary use in connection with training shall deliver the original negative to the Bureau of Aeronautics for such noncommercial use as the Navy Department may require. In the case of classified material all negatives, prints, or lavenders will be delivered to the Bureau of Aeronautics in accordance with the provisions of paragraph (e) (7) of this section. A duplicate negative of unclassified material may be retained by the producing company for reproduction purposes for nontheatrical use, except that previously released film available in library material will ordinarily have no restrictions placed upon it for theatrical use. Release of material not previously reviewed will be subject to the approval of the Secretary of the Navy (Director of Public Relations).

(6) *Other films (except technical films)* Documentaries, short subjects, and all other short films (except technical films) produced wholly or in part with naval cooperation, shall be submitted for review to the Secretary of the Navy (Director of Public Relations). If possible, advance scripts or outlines should be submitted prior to start of production. The Navy Department reserves the right to acquire prints in accordance with paragraph (e) (2) (iv) of this section, or a lavender print of all footage made with naval cooperation.

(7) *Censored material.* When the Secretary of the Navy (Director of Public Relations) or the Commandant, Third Naval District, censors and condemns any footage, the producing company will promptly submit all prints, lavenders and negatives of that footage to the censoring authority, together with a signed statement that all prints, lavenders, or negatives of any nature made from the disapproved footage have been surrendered to naval authority.

(f) *Technical photographs—(1) Technical photographs required by contract.* Photographs (still and motion pictures) and sketches or drawings required by Navy contracts in connection with the manufacture or construction of articles or structures for the Navy will be handled as part of the contract and under the same restrictions as apply to drawings and other matter under the contract or under special classification. None of the above may be published, distributed, displayed or released to the contractor's files without approval by the Secretary of the Navy (Director of Public Relations).

(2) *Technical photographs not required by contract.* Photographs of articles other than those of a strictly commercial character being manufactured for or under construction for the Navy, taken by or on order of the contractors and not required by the terms of the contract, will be subject to the supervision and control of the Navy inspector concerned. When a photograph of this category is released to the contractor for unrestricted use or publication, the provisions of paragraph (b) (6) of this section will be complied with, and in addition, one copy of the released photograph, with the release date written on the back, may be forwarded at the discretion of the naval inspector to the Bureau having cognizance.

(g) *General guide—(1) Standards of censorship.* The censorship of photographs requires the use of sound judgment on the part of the responsible officers in order to permit the prompt release and publication of such photographs and motion pictures as will be beneficial alike to the public and to the Navy, while at the same time protecting subjects which are of a classified nature. It must be kept in mind that to publish a list of the specific items which are considered most confidential would be the first step leading to compromise. As a consequence it is necessary to designate classified items in fairly broad categories and administer the security thereof in accordance with a uniform policy. Photographs listed in subparagraph (2) of this photograph will not be released

except by the Secretary of the Navy (Director of Public Relations)

(2) *Photographs not to be released without reference to Navy Department.*

(i) Photographs which disclose classified information. The source of information on specific items is indicated in paragraph (b) (4) of this section.

(ii) Naval dry docks or ships therein.

(iii) Ships under construction and mechanical devices intended for use thereon.

(iv) Any picture taken on board ship showing details of armament, fire control equipment, interior views or special details of construction.

(v) Underwater body views of naval vessels.

(vi) Any phase of naval gunnery or any details of ordnance equipment.

(vii) Fleet dispositions and tactical maneuvers.

(viii) Landing force operations and equipment.

(ix) Smoke screens.

(x) Naval radio and sound equipment.

(xi) Aerial photographs or photographs from an elevated position of U. S. navy yards, stations and bases; U. S. Army posts, forts, depots, and stations; foreign ports and harbors.

(xii) Aerial photographs or photographs from an elevated position of strategic areas as designated by the Secretary of the Navy and air space reservations as designated by the President of the United States.

(xiii) Loss of or damage to U. S. combatant ships resulting from enemy action.

(xiv) Fleet operations knowledge of which must receive only limited distribution.

(3) *Photographs which may be released.* Photographs taken on occasions of ceremony of athletic events; of personnel, single or group; or other proper subjects involving personnel or naval life.

(h) *General.* (1) Official Navy photographs of potential strategic or historic value without regard to release status, will be forwarded to the Chief of the Bureau of Aeronautics.

(2) All commercial photographs shall be handled in accordance with provisions set forth in paragraph (d) of this section.

(i) *Marine Corps.* (1) The foregoing instructions will apply to the Marine Corps in principle but with the following organizational modifications:

(i) In all photography that concerns the internal affairs of the Marine Corps, such as recruiting, training, and allied activities (except aeronautics) the Commandant, U. S. Marine Corps (Director of Public Relations) is delegated cognizance equivalent to that of the Secretary of the Navy (Director of Public Relations). Similarly, in applicable cases, the term "Navy" or "Navy Department" shall be construed as "Marine Corps" or "Headquarters, U. S. Marine Corps."

(ii) All photographs released by the Marine Corps will be titled as in (b) (6) (ii) and (iii) above, except that "U. S. Marine Corps" will be substituted for "U. S. Navy" and references for authorized publication will be made to the Commandant, U. S. Marine Corps, Washington, D. C. [G. O. 179, Aug. 26, 1942]

§ 50.17 *Photographs and sketches of military or naval subjects.* (a) An act of Congress approved June 25, 1942 (56 Stat. 390; 50 U. S. C., App. Sup., 781), reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, except in the performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any navy yard, naval station, or of any military post, fort, camp, station, arsenal, airfield, or other military or naval reservation or place used for national defense purposes by the War or Navy Department, or of any vessel, aircraft, installation, equipment, or any other property whatsoever, located within any such post, fort, camp, arsenal, airfield, yard, station, reservation or place or in the waters adjacent thereto, or in any defensive sea area established in accordance with law; or whoever, except in performance of duty or employment in connection with the national defense shall knowingly and willfully make any sketch, photograph, photographic negative, blueprints, plan, map, model, copy, or other representation of any vessel, aircraft, installation, equipment, or other property relating to the national defense being manufactured or under construction or repair for or awaiting delivery to the War or Navy Department or the government of any country whose defense the President deems vital to the defense of the United States under any contract or agreement with the United States or such country or otherwise on behalf of the United States or such country, located at the factory, plant, yard, storehouse, or other place of business of any contractor, subcontractor, or other person, or in the waters adjacent to any such place shall be punished as provided herein.

SEC. 2. Notwithstanding the provisions of section 1, the Secretary of War or the Secretary of the Navy is authorized, under such regulations as he may prescribe, to permit photographs, sketches, or other representations to be made when, in his opinion, the interests of national defense will not be adversely affected thereby.

SEC. 3. Any person found guilty of a violation of this Act shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 4. The provisions of this Act shall apply in the Philippine Islands as well as in all other places within the territory or jurisdiction of the United States.

SEC. 5. This Act shall be effective only for the duration of the present war as determined by proclamation of the President.

(b) In accordance with the authority contained in section 2 of the above quoted act, the Secretary of War and the Secretary of the Navy have prescribed certain regulations for the administration of the said act. Such regulations which have been prescribed have been duly published (10 CFR, Cum. Supp., Part 4, note), are in full force and effect in pursuance of the said act, and appear hereafter as follows:

Sketches, photographs, photographic negatives, blueprints, plans, maps, models, copies or other representations, may be made of any area, place, property, or thing, described in the Act of Congress approved June 25, 1942 (56 Stat. 390), only upon the expressed permission of the Secretary, or his authorized representative, having jurisdiction of the subject matter. Such permission will be granted

only if the interests of national defense will not be adversely affected thereby.

The authorized representatives who may grant the necessary permission are:

WAR DEPARTMENT

Any commanding general of a defense command, theater of operations, department or service command, Director of War Department Bureau of Public Relations or any Commander of a post, camp or station.

NAVY DEPARTMENT

Fleet commanders or commanders of any major subdivision thereof, commanders of sea frontiers, district commandants, the Director of the Office of Public Relations, commanding officers of ships, aircraft squadrons, or stations, or, an officer of the United States Marine Corps having a command equivalent to any of the foregoing.

(c) The Naval representatives designated in the aforementioned regulations shall, in the administration of the functions therein imposed, at all times be guided by the provisions of General Order No. 179. (See § 50.16.)

(d) Should a violation of the law herein stated occur within the jurisdiction of the Naval Establishment, evidence of the violation such as cameras, photographs, photographic films, sketches, etc., should be acquired whenever possible. If, in the judgment of the responsible commander having custody of such evidence, or in the determination of the Navy Department should such officer request a decision of the Department, a criminal prosecution is desired, all evidence should be transmitted to the Federal authorities responsible for such prosecution. If, in the judgment of the responsible Commander having custody of such evidence, or in the determination of the Navy Department should such officer request a decision of the Department, no criminal prosecution is desired, the evidence obtained should be forwarded to the Navy Department for disposition.

(e) The attention of personnel is directed to the broad scope of this law which, literally, prohibits the taking of any photograph of Naval subjects without authority. It is, therefore, expected that citizens, innocent of wrongful intent, will transgress the law's comprehensive provisions. Personnel are therefore obliged to exercise tact, discretion, and sound judgment in their administration of the law as it affects the Naval Establishments. [G. O. 180, Sept. 10, 1942]

JOHN L. SULLIVAN,
Secretary of the Navy.

[F. R. Doc. 47-10131; Filed, Nov. 12, 1947;
4:29 p. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Gen. Order 22, 2d Rev., Amdt. 1, WSA
Function Series]

PART 310—MERCHANT MARINE TRAINING

ENTRANCE STANDARDS

Effective as of November 16, 1947,
§ 310.6 Entrance standards is amended

by striking out paragraph (a) and inserting in lieu thereof:

(a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States and must qualify in all respects for appointment as a midshipman, Merchant Marine Reserve, United States Naval Reserve and appointed as such. He must be of robust constitution, physically sound and of good moral character, not less than seventeen years of age and not yet twenty-three years of age: *Provided*, That, within this range, each state may fix its upper age limit for cadets appointed by the state: *Provided further* That, in any case, if the candidate is a veteran honorably discharged or if he served in the merchant marine for not less than one year, the upper age limit is extended four years so that such candidate shall be not yet twenty-seven years of age.

It is necessary to adopt this amendment in order to admit cadets for the term beginning October 1947 in the New York State Maritime Academy and it is also found upon good cause that the notice and publication procedure under the Administrative Procedure Act with respect to the age of admission above described would be contrary to the public interest and that the foregoing amendment should be made effective less than thirty days after publication.

(Title 34, U. S. C., secs. 1121 to 1123, inclusive, and 1123a-e, inclusive; Pub. Law 492, 79th Cong.)

By order of the U. S. Maritime Commission.

[SEAL] R. L. McDONALD,
Assistant Secretary.

NOVEMBER 6, 1947.

[F. R. Doc. 47-10030; Filed, Nov. 13, 1947;
8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 340, Amdt. 5]

PART 95—CAR SERVICE

MINIMUM LOADING OF CARLOAD TRANSFER FREIGHT REQUIRED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of November A. D. 1947.

Upon further consideration of Revised Service Order No. 340 (10 F. R. 13827), as amended (11 F. R. 562, 7283, 13113; 12 F. R. 2926), and good cause appearing therefor: *It is ordered*, That:

Section 95.340 Revised Service Order No. 340, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., May 10, 1948, unless otherwise modified, changed,

suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., November 10, 1947; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-10575; Filed, Nov. 13, 1947;
8:51 a. m.]

[Rev S. O. 331, Amdt. 2]

PART 95—CAR SERVICE

TRAILLOADS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of November A. D. 1947.

Upon further consideration of Revised Service Order No. 331 (11 F. R. 13337) as amended (12 F. R. 2326) and good cause appearing therefor: *It is ordered*, that:

Section 95.331, *Tramloads of bauxite ore concentrates*, of Revised Service Order No. 331, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., May 10, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 15, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-10576; Filed, Nov. 13, 1947;
8:51 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 29]

CONTRIBUTIONS OF EMPLOYER TO EMPLOYEES' TRUST OR ANNUITY PLAN AND COMPENSATION UNDER DEFERRED PAYMENT PLAN

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued on the authority contained in sections 23 (p) 62, and 3791 of the Internal Revenue Code (56 Stat. 863, 53 Stat. 32, 467; 26 U. S. C. 23 (p) 62, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Regulations 111 (26 CFR Part 29) are amended as follows:

PARAGRAPH 1. Section 29.23 (p)-1 *Contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan; in general* is amended as follows:

(A) The third and following sentences of the first paragraph thereof are stricken out and there is inserted in lieu thereof the following: "Section 23 (p) does not apply to a plan which does not defer the receipt of compensation. Thus it does not apply to deductions for pensions paid directly by the employer to employees or their beneficiaries without prior funding (see § 29.23 (a)-9). Neither does section 23 (p) apply to deductions for contributions under a plan which, in effect, is a dismissal wage, or unemployment benefit plan or a sickness, accident, hospitalization, medical expense, recreational, welfare, or similar benefit plan. Section 23 (p) is, however, applicable to all contributions under a stock bonus, pension, profit-sharing, or annuity plan, whether or not the employees' rights in such contributions are nonforfeitable, but deductions under this section are subject to conditions and limitations under section 23 (a) as well as those particularly provided in section 23 (p) "

(B) The second paragraph thereof is amended to read as follows:

In order to be deductible under section 23 (p) a contribution must be an expense which would be deductible under section 23 (a) if it were not for the pro-

vision in section 23 (p) (1) that it is deductible, if at all, only under section 23 (p). Contributions may therefore be deducted under section 23 (p) only to the extent they are ordinary and necessary expenses during the taxable year in carrying on trade or business and are compensation for personal services and then only to the extent that the total of such compensation and other compensation of the employees benefiting by the contributions constitutes a reasonable allowance for the services actually rendered by them. Thus a contribution under a plan which is primarily for the benefit of shareholders of the employer is not deductible. Such a contribution may constitute a dividend within the meaning of section 115 (a). See also §§ 29.23 (a)-6 and 29.23 (a)-8. In any case no deduction is allowable under section 23 (p) for the amount of any contribution applicable to the benefit of an employee in excess of the amount which, together with other deductions allowed for compensation for his services, constitutes a reasonable allowance for compensation, including any retirement benefit, for the services actually rendered by him. What constitutes such a reasonable allowance depends upon the facts in the particular case. Among the elements to be considered in determining this are the services actually rendered and the other compensation in prior years as well as in the current year and the value of retirement benefits. In addition to the limitations referred to above, deductions under section 23 (p) are also subject to further conditions and limitations particularly provided therein.

(C) The second sentence of the third paragraph thereof is amended to read as follows: "Thus, where a corporation funds pensions for such of its retired employees and in such amounts as may be determined from time to time by the board of directors or responsible officers of the company, there is a method having the effect of a plan deferring the receipt of compensation for which deductions are governed by section 23 (p) "

PAR. 2. Section 29.23 (p)-2 is amended to read as follows:

§ 29.23 (p)-2 *Information to be furnished by employer claiming deductions.* If a deduction from gross income is claimed under section 23 (p) (1) (A) (B) (C) or (F) the employer must file the following information for each plan involved to establish that it meets the requirements of sections 165 (a) or 23 (p) (1) (B) and that the deductions claimed do not exceed the amount allowable under subparagraphs (A) (B), (C) or (F) of section 23 (p) (1) as the case may be:

(a) Verified copies of all the instruments constituting or evidencing the plan, including trust indentures, group annuity contracts, specimen copy of each type of individual contract, and specimen copy of communication to employees, with all amendments to any such instruments.

(b) A statement describing the plan which identifies it and which indicates the name or names of the employers, the effective date of the plan, the method of distribution or of disbursing benefits (whether by trustee, insurance company, or otherwise) the dates when the instruments were executed, the date of effective communication to employees, the dates when the plan and when the trust or the contract evidencing the plan were put into effect so that contributions thereunder were irrevocable, and a summary of the provisions and procedures relating to:

(1) Employee eligibility requirements for participation in the plan,

(2) Employee contributions, if any,

(3) Employer contributions,

(4) The basis or formula for determining the amount of each type of benefit and the requirements for obtaining such benefits and the vesting conditions,

(5) The medium of funding (e. g., self-insured, unit purchase group annuity contract, individual level annual premium retirement endowment insurance contracts, etc.) and, if not wholly insured, the medium of contributions and the kind of investments,

(6) The program for funding the benefits, in the case of a pension or annuity plan, and

(7) The discontinuance or modification of the plan and distributions or benefit payments upon liquidation or termination.

(c) A tabulation in columnar form showing the information specified below with respect to each of the 25 highest paid employees in the taxable year, listed in order of their nondeferred compensation, and also with respect to any former or retired employees covered by the plan whose nondeferred compensation in either of the two preceding taxable years exceeded the nondeferred compensation of any of such 25 employees in the taxable year:

(1) Name.

(2) Whether an officer.

(3) Percentage of each class of stock owned directly or indirectly by the employee or members of his family.

(4) Whether the principal duties consist in supervising the work of other employees.

(5) Year of birth.

(6) Length of service for employer to the close of the year.

(7) Total nondeferred compensation paid or accrued during the taxable year and, in the case of former or retired employees, during each of the two preceding taxable years, and a breakdown of such compensation into the following components: (i) Basic salary and overtime pay, (ii) other direct payments, such as bonuses and commissions, (iii) compensation paid other than in cash, such as goods, services, insurance not directly related to the benefits or provided from funds under the plan, etc.

(8) Amounts applied during the taxable year from contributions of the employer for the deferred benefit of the

employee (including any insurance provided thereby or directly related thereto) under each other plan of deferred compensation.

(9) Amounts applied during the taxable year from contributions of the employer for the deferred benefit of the employee (including any insurance provided thereby or directly related thereto) under the plan.

(10) A reasonable estimate of the value of all benefits which would be provided for the employee less the aggregate of his contributions under the plan from its inception if it were terminated at the close of the year.

(11) If a pension or annuity plan, (i) the retirement age and date and the form of the retirement benefit, (ii) the amount of the retirement benefit, (iii) the value, at retirement date, of the retirement benefit, and (iv) the aggregate of all of the employee's contributions under the plan, all based in the case of an employee who is not on retirement benefit under the plan, upon the assumption of his continued employment at his current rate of compensation until his normal retirement age (or the end of the current year if later) and retirement on such date with the normal form of retirement benefit under the plan.

(12) The amount distributed or made available or the pension or annuity paid to the employee under the plan in the year and in each of the two preceding years.

(d) Totals for the following:

(1) Subparagraph (7) of paragraph (c) of this section and each component set forth therein for all employees covered under the plan and also for all employees of the employer for the taxable year.

(2) Amount of contributions paid by the employer in the taxable year under each other plan of deferred compensation for employees under the plan and for all employees of the employer.

(3) Amount of contributions paid by the employer in the taxable year for all employees under the plan.

(e) A schedule showing the total number of employees and the total annual nondeferred compensation in effect as of the close of the year for each of the following groups, based on reasonable estimates:

(1) All employees ineligible for coverage under the plan because of requirements as to length of service.

(2) All employees ineligible for coverage under the plan because of requirements as to minimum age and not included in subparagraph (1) of this paragraph.

(3) All employees ineligible for coverage under the plan solely because of requirements as to minimum rate of compensation.

(4) All employees ineligible for coverage under the plan other than those employees included in subparagraphs (1), (2), and (3) of this paragraph, specifying the reasons applicable to the group.

(5) All employees ineligible for coverage under the plan for any reasons, which should be the sum of subparagraphs (1) to (4), inclusive, of this paragraph.

(6) All employees eligible for coverage but not covered under the plan, specifying the reasons applicable to the group.

(7) All employees covered under the plan.

(8) All employees of the employer, which should be the sum of subparagraphs (5), (6) and (7) of this paragraph.

Also a schedule showing the total number of employees for each of the following groups:

(9) All employees covered under the plan as of the beginning of the year.

(10) All employees entering coverage under the plan during the year.

(11) All employees whose employment or coverage under the plan was discontinued during the year with a breakdown into the following components: (i) By death, (ii) by withdrawal with a further breakdown based on reasonable estimates into (a) without any withdrawal, pension or annuity rights derived from employer contributions under the plan, (b) with such rights partially vested, (c) with such rights fully vested, (iii) by retirement, and (iv) by other reason, specifying the reasons applicable to the group.

(12) All employees covered under the plan as of the end of the year, which should be the sum of subparagraphs (9) and (10) less subparagraph (11) of this paragraph.

Also, a schedule showing the data and computations necessary to determine whether or not the requirements of section 165 (a) (3) (A) are satisfied on one day in each quarter of the year.

(f) In the case of a trust, a detailed balance sheet together with or including actuarially determined assets and liabilities and a classified statement of receipts and disbursements during the year, and, in the case of a nontrusteed annuity plan, a detailed statement of the operations of the plan including a classified statement of the contributions paid by the employer and by the employees, annuities paid, other benefits paid, and credits made available and the disposition thereof for the year.

(g) If a pension or annuity plan, a detailed description of all the methods, factors, and assumptions used in determining costs under the plan (including the basis of any insured liabilities) explaining their source and application in sufficient detail to permit ready analysis and verification thereof, and, in the case of a trust, a detailed description of the basis used in valuing the investments held.

(h) A detailed statement of the applicable limitations under section 23 (p) (1) (A) (B) (C), or (F) and of the method of determining such limitations and a summary of the data and computations necessary to determine the allowable deductions for the taxable year.

(i) A summary of the contributions paid in the taxable year, showing the dates of payment, and of the deductions claimed for the taxable year for the plan and for each other plan of deferred compensation with a breakdown of the deductions claimed into the following components: (1) Under section 23 (p)

(1) for contributions paid in the taxable year before giving effect to the provisions of subparagraph (F) thereof, (2) under section 23 (p) (1) for contributions paid in prior taxable years beginning after December 31, 1941 in accordance with the carry-over provisions of subparagraphs (A) and (C) thereof before giving effect to the provisions of subparagraph (F) thereof, (3) any reductions or increases in the deductions in accordance with the provisions of subparagraph (F) thereof, and (4) under section 23 (p) (2) for contributions paid to a pension trust in a taxable year beginning before January 1, 1942.

For the purpose of the above information, contributions paid in a taxable year should include those deemed to be so paid in accordance with the provisions of section 23 (p) (1) (E) and exclude those deemed to be paid in the prior taxable year in accordance with such provisions. In the above specifications "taxable year" refers to the taxable year of the employer and the "year" referred to in paragraphs (c) (6), (c) (10), (c) (11) (c) (12) (e), and (f) of this section is the year of the trust or plan with which, or within which, the taxable year of the employer ends. All the information relating to the taxable year of the employer should be filed with the tax return for the year. Where the taxable year of the employer does not end with the year of the trust or plan, information relating to the latter year may be filed on or before the 15th day of the third month following the close of such latter year but in any case all the required information, properly arranged in the order indicated above, should be filed together even though the portion of it relating to the taxable year of the employer has previously been filed with the tax return. If there is any change in the plan, instruments, methods, factors, or assumptions upon which the data and information specified in paragraphs (a) (b) and (g) of this section are based, a detailed statement explaining the change and its effect must be filed within 30 days after the change and, where there is no such change, the data and information specified in those items need not be filed after the first year unless requested by the Commissioner.

If a deduction is claimed under section 23 (p) (1) (D) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other subparagraphs of section 23 (p) (1) that the amount paid is an ordinary and necessary expense, and that the employees' rights to or derived from such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid.

In any case all the information and data specified above for the purpose of determining allowable deductions must be filed in the collector's office in which the employer files his tax returns and identified for association with the appropriate returns and must be filed independently of any information and data submitted in connection with any determination solely of the qualification of

the trust or plan under section 165 (a). The Commissioner may, in addition, require any further information that he considers necessary to determine allowable deductions under section 23 (p) or qualification under section 165 (a) and may waive the filing of such information required herein which he finds unnecessary in a particular case. Unless requested by the Commissioner, the information specified above need not be filed for any year ending prior to the effective date of Treasury Decision _____. In the case of a pension or annuity plan, after the information specified in paragraphs (c) (10) and (c) (11) of this section has once been filed it need not be filed for any subsequent year if the plan is not changed and the Commissioner does not request such information.

Records substantiating all data and information specified in this section must be kept at all times available for inspection by internal revenue officers at the main office or place of business of the employer.

PAR. 3. Section 29.23 (p)-3 is amended as follows:

(A) The words "allows additional deductions" in the first sentence thereof are stricken out and there is inserted in lieu thereof the words "provides alternative limitations"

(B) The following paragraph is inserted at the end thereof:

If contributions are paid to or under more than one plan in the taxable year beginning in 1942 and prior to September 1, 1942, the alternative limitations provided in section 162 (d) (1) (C) of the Revenue Act of 1942 are determined by applying the provisions of this section severally to the several plans and respective contributions. See also § 29.23 (p)-12.

PAR. 4. Section 29.23 (p)-4 is amended to read as follows:

§ 29.23 (p)-4 *Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 165 (a) application of section 23 (p) (1) (A) in general.* If contributions are paid by an employer in a taxable year beginning after December 31, 1941, to or under a pension trust or annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 29.23 (p)-1) the contributions are deductible under section 23 (p) (1) (A) or (B) if the further conditions provided therein are also satisfied. As used here, a "pension trust" means a trust forming part of a pension plan and an "annuity plan" means a pension plan under which retirement benefits are provided under annuity or insurance contracts without a trust. For the meaning of "pension plan" as used here, see § 29.165-1 (a). Where disability, withdrawal, insurance, or survivorship benefits incidental and directly related to the retirement benefits under a pension or annuity plan are provided for the employees or their beneficiaries by contributions under the plan, deductions on account of such incidental benefits are also covered under section 23 (p) (1) (A) or (B). Con-

tributions to a pension trust are deductible under section 23 (p) (1) (A) if they are paid in a taxable year of the employer which ends with or within a taxable year of the trust for which it is exempt under section 165 (a). See § 29.23 (p)-9 as to conditions for deductions under section 23 (p) (1) (B) in the case of an annuity plan. In either case the deductions are also subject to further limitations provided in section 23 (p) (1) (A). The limitations provided in section 23 (p) (1) (A) with an exception provided for certain years under clause (i) thereof (see § 29.23 (p)-5) are based on the actuarial costs of the plan and section 23 (p) (1) (A) requires that the costs and the limitations based on costs under that section shall be determined, under regulations prescribed by the Commissioner with the approval of the Secretary (or, in certain cases under section 23 (p) (1) (A) (i) in accordance with a finding of the Commissioner).

In determining costs for the purpose of limitations under section 23 (p) (1) (A) the effects of expected mortality and interest must be discounted and the effects of expected withdrawals, changes in compensation, retirements at various ages, and other pertinent factors may be discounted or otherwise reasonably recognized. A properly weighted retirement age based on adequate analyses of representative experience may be used as an assumed retirement age. Different basic assumptions or rates may be used for different classes of risks or different groups where justified by conditions or required by contract. In no event shall costs for the purpose of section 23 (p) (1) (A) exceed costs based on assumptions and methods all of which are reasonable in view of the provisions and coverage of the plan, funding medium, reasonable expectations as to the effects of mortality and interest, reasonable and adequate regard for other factors such as withdrawal and deferred retirement, whether or not discounted, which can be expected to reduce costs materially, reasonable expenses of operation, and all other relevant conditions and circumstances. In any case, in determining the costs and limitations an adjustment shall be made on account of any experience more favorable than that assumed in the basis of limitations for prior years, and, unless such adjustments are consistently made every year by reducing the limitations otherwise determined by any decrease in liability or cost arising from experience in the next preceding taxable year more favorable than the assumed experience on which the costs and limitations were based, the adjustment shall be made by some other method approved by the Commissioner.

Any expenses incurred by the employer in connection with the plan, such as trustee's and actuary's fees, which are not provided for by contributions under it are deductible under section 23 (a) to the extent that they are ordinary and necessary.

In case contributions are paid in the employer's taxable year beginning in 1942 and prior to September 1, 1942, the limitation on deductions for such taxable year is subject to an exception pro-

vided in section 162 (d) (1) (C) of the Revenue Act of 1942 (see § 29.23 (p)-3).

In case deductions are allowable under section 23 (p) (1) (C) as well as under section 23 (p) (1) (A) or (B), the limitations under section 23 (p) (1) (A) and (C) are determined and applied without giving effect to the provisions of section 23 (p) (1) (F) but the amounts allowable as deductions are subject to the further limitations provided in section 23 (p) (1) (F) (see § 29.23 (p)-12).

PAR. 5. Section 29.23 (p)-5 is amended to read as follows:

§ 29.23 (p)-5 *Pension and annuity plans; limitations under section 23 (p) (1).* (A) (i) Subject to the applicable general conditions and limitations (see § 29.23 (p)-4) the initial limitation under section 23 (p) (1) (A) (i) is 5 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the pension or annuity plan. This initial 5 percent limitation applies to the first taxable year beginning after December 31, 1941 for which a deduction is allowed for contributions to or under such a plan and also applies to any subsequent year for which the 5 percent figure is not reduced by the Commissioner as provided below. For years to which the initial 5 percent limitation applies no adjustment on account of prior experience is required. If the contributions do not exceed the initial 5 percent limitation in the first taxable year to which this limitation applies, the taxpayer need not submit actuarial data for such year.

For the first taxable year following the first year to which the initial 5 percent limitation applies, and for every fifth year thereafter, the taxpayer shall submit with his return a certification by a qualified actuary or by the company underwriting a nontrustered annuity plan of the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan with a statement explaining all the methods, factors, and assumptions used in determining such amount. This amount may be determined as the sum of (a) the unfunded past service cost as of the beginning of the year, and (b) the normal cost for the year, all determined by methods, factors, and assumptions appropriate as a basis of limitations under clause (iii). Whenever requested by the Commissioner a similar certification and statement shall be submitted for the year or years specified in such request. The Commissioner will make periodical examinations of such data at not less than 5-year intervals and will reduce the limitation under clause (i) below the 5 percent limitation for the years with respect to which he finds that the 5 percent limitation exceeds the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan. Where the limitation is so reduced, the reduced limitation shall apply until the Commissioner finds that a subsequent actuarial valuation shows a change to be necessary. Such subsequent valuation may be made by the taxpayer at any time and submitted to the Commissioner with a request for a change in the limitation.

For the purpose of limitations under clause (i) "compensation otherwise paid or accrued" means compensation other than that for which deductions are governed by section 23 (p). Where two or more pension or annuity plans cover the same employee, under clause (i) the deductions with respect to each such plan are subject to the limitations applicable to the particular plan and the total deductions for all such plans are also subject to the limitations which would be applicable thereto if they constituted a single plan. Where, because of the provisions applicable to a large class of employees under a plan, the costs are trivial in comparison with the compensation for the class, after the first year to which the initial 5 percent limitation applies, deductions under clause (i) are subject to limitations determined by considering the plan applicable to such class as if it were a separate plan. Deductions are allowable to the extent of the applicable limitations under clause (i) even where these are greater than the applicable limitations under clause (ii) or clause (iii).

PAR. 6. Section 29.23 (p)-6 is amended to read as follows:

§ 29.23 (p)-6 *Pension and annuity plans; limitations under section 23 (p)* (1) (A) (ii). Subject to the applicable general conditions and limitations (see § 29.23 (p)-4) under section 23 (p) (1) (A) (ii) deductions may be allowed to the extent of limitations based on costs determined by distributing the remaining unfunded cost of the past and current service credits with respect to all employees covered under the trust or plan as a level amount or level percentage of compensation over the remaining service of each such employee except that, as to any three individuals with respect to whom more than 50 percent of such remaining unfunded cost is attributable to such individuals shall be distributed over a period of at least five taxable years.

The determination of costs as a basis of deductions under clause (ii) of section 23 (p) (1) (A) may be illustrated by a case where it is estimated actuarially as of the beginning of the plan on the basis of appropriate assumptions and factors that employer contributions of 4 percent of compensation of each covered employee during his remaining service will be sufficient to provide the current service credits of all employees under the plan and employer contributions of 3 percent of compensation of each covered employee during his remaining service will be sufficient to provide the past service credits of all employees under the plan, so that the estimated cost for the first year is 7 percent of compensation of covered employees.

The limitation for any taxable year under clause (ii) is any excess of the amount necessary for the year on the basis of the costs over the amount allowable as a deduction under clause (i), all determined under regulations prescribed by the Commissioner with the approval of the Secretary.

For this purpose such excess, adjusted for prior experience, may be computed for each year as follows, all determinations being made as of the beginning of the year:

(a) Determine the value of all benefits expected to be paid after the beginning of the year for all employees, any surviving former employees, and any other surviving beneficiaries, then covered under the plan.

(b) If employees contribute under the plan, determine the value of all contributions expected to be made after the beginning of the year by employees then covered under the plan.

(c) Determine the value of all funds of the plan as of the beginning of the year.

(d) Determine the amount remaining to be distributed as a level amount or as a level percentage of compensation over the remaining future service of each employee by subtracting from paragraph (a) of this section the sum of paragraphs (b) and (c) of this section.

(e) Determine the value of all compensation expected to be paid after the beginning of the year to all employees then covered under the plan.

(f) Determine an accrual rate for each employee by dividing paragraph (e) into paragraph (d) of this section.

(g) Compute the excess under clause (ii) for the year by multiplying the compensation paid to all employees covered under the plan during the year by any excess of paragraph (f) of this section over 5 percent. In general, where this method is used, the limitation under clause (ii) will be equal to the excess so computed without further adjustment on account of prior favorable experience, provided all the factors and assumptions used are reasonable in view of all applicable considerations (see § 29.23 (p)-4) and provided paragraph (e) of this section is not less than five times the annual rate of compensation in effect at the beginning of the year.

As an alternative to the above method, limitations under clause (ii) may be based on the amounts necessary with respect to each individual covered employee to provide the remaining unfunded cost of all his benefits under the plan distributed as a level amount over the period remaining until the normal commencement of his retirement benefits, in accordance with other generally accepted actuarial methods which are reasonable and appropriate in view of the provisions of the plan and the funding medium. In view of the relationship of clause (ii) to clauses (i) and (iii), however, limitations based on such amounts must be determined by a method approved by the Commissioner if they exceed the limitations under clause (iii) adjusted for prior favorable experience.

PAR. 7. Section 29.23 (p)-7 is amended to read as follows:

§ 29.23 (p)-7 *Pension and annuity plans; limitations under section 23 (p)* (1) (A) (iii). Subject to the applicable general conditions and limitations (see § 29.23 (p)-4), under section 23 (p) (1) (A) (iii), in lieu of amounts deductible

under the limitations of clause (i) and clause (ii) deductions may be allowed to the extent of limitations based on normal and past service or supplementary costs of providing benefits under the plan. "Normal cost" for any year is the amount actuarially determined which would be required as a contribution by the employer in such year to maintain the plan if the plan had been in effect from the beginning of service of each then included employee and if such costs for prior years had been paid and all assumptions as to interest, mortality, time of payment, etc., had been fulfilled. Past service or supplementary cost at any time is the amount actuarially determined which would be required at such time to meet all the future benefits provided under the plan which would not be met by future normal costs and employee contributions with respect to the employees covered under the plan at such time.

The limitation under clause (iii) for any taxable year is the sum of normal cost for the year plus an amount not in excess of one-tenth of the past service or supplementary cost as of the date the past service or supplementary credits are provided under the plan, all determined under regulations prescribed by the Commissioner with the approval of the Secretary. For this purpose the normal costs may be determined by any generally accepted actuarial method and may be expressed either as (a) the aggregate of level amounts with respect to each employee covered under the plan, (b) a level percentage of payroll with respect to each employee covered under the plan, or (c) the aggregate of the single premium or unit costs for the unit credits accruing during the year with respect to each employee covered under the plan, provided, in any case, that the method is reasonable in view of the provisions and coverage of the plan, funding medium, and other applicable considerations. The limitation may include one-tenth of the past service or supplementary cost as of the date the provisions resulting in such cost were put into effect, but is subject to adjustments for prior favorable experience. See § 29.23 (p)-4. In any case past service or supplementary costs shall not be included in the limitation for any year after the amount required to fully fund or purchase the past service or supplementary credits has been deducted and no deduction is allowable for any amount (other than the normal cost) which is paid in after such credits are fully funded or purchased.

PAR. 8. Section 29.23 (p)-8 is amended to read as follows:

§ 29.23 (p)-8 *Pension and annuity plans; contributions in excess of limitations under section 23 (p)* (1) (A) *application of section 23 (p)* (1) (A) (iv). Contributions paid by an employer in a taxable year beginning after December 31, 1941 to or under a pension or annuity plan may exceed the limitations applicable to the year under section 23 (p) (1) (A) if the resulting funds of the plan are not substantially larger than the past service cost as of the end of the year,

determined by methods, factors, and assumptions appropriate as a basis of limitations under section 23 (p) (1) (A) (iii), the trust or plan will not fail to meet the requirements of section 165 (a) merely by reason of such excess contributions and, if the requirements of section 165 (a) applicable to the year of contribution are otherwise satisfied, such excess contributions are deductible under clause (iv) of section 23 (p) (1) (A) in succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the limitation applicable to such year under clause (i) (ii) or (iii). The provisions of clause (iv) are to be applied after giving effect to the exception provided in section 162 (d) (1) (C) of the Revenue Act of 1942 for a taxable year beginning in 1942 (see § 29.23 (p)-3) but before giving effect to the provisions of section 23 (p) (1) (F) for any year. The carry-over provisions of section 23 (p) (1) (A) (iv) after effect has been given to section 162 (d) (1) (C) of the Revenue Act of 1942, but before effect has been given to section 23 (p) (1) (F) may be illustrated by the following example:

Taxable year ending December 31, 1942:	
Amount of contributions paid in year-----	\$100,000
Limitation applicable to year-----	80,000
Amount deductible for year-----	60,000
Excess carried over to succeeding year-----	40,000
Taxable year ending December 31, 1943:	
Amount of contributions paid in year-----	25,000
Carried over from previous years-----	40,000
Total deductible subject to limitation-----	65,000
Limitation applicable to year-----	50,000
Amount deductible for year-----	50,000
Excess carried over to succeeding years-----	15,000
Taxable year ending December 31, 1944:	
Amount of contributions paid in year-----	10,000
Carried over from previous years-----	15,000
Total deductible subject to limitation-----	25,000
Limitation applicable to year-----	45,000
Amount deductible for year-----	25,000
Excess carried over to succeeding years-----	None

PAR. 9. Section 29.23 (p)-9, as amended by Treasury Decision 5436, approved February 3, 1945, is further amended to read as follows:

§ 29.23 (p)-9 *Contributions of an employer under an employees' annuity plan that meets the requirements of section 165 (a), application of section 23 (p) (1) (B)* If contributions are paid by an employer in a taxable year beginning after December 31, 1941 under an annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 29.23 (p)-1, the contributions are deductible under section 23 (p) (1) (B) if the further conditions provided therein are satisfied. For the

meaning of "annuity plan" as used here, see § 29.23 (p)-4. In order that contributions by the employer may be deducted under section 23 (p) (1) (B) all of the following conditions must be satisfied:

(a) The contributions must be paid toward the purchase of retirement annuities (or for disability, severance, insurance, or survivorship benefits incidental and directly related to such annuities) under an annuity plan for the exclusive benefit of the employer's employees or their beneficiaries. See § 29.165-1 (a)

(b) The contributions must be paid in a taxable year of the employer which ends with or within a year of the plan for which it meets the applicable requirements with respect to discrimination set out in paragraphs (3) (4) (5) and (6) of section 165 (a). See §§ 29.165-3 and 29.165-4. In the case of an annuity plan in effect on or before September 1, 1942, the requirements of these paragraphs do not apply to any period of the plan within the taxable year of the employer beginning in 1942 and are considered to be satisfied for the period beginning with the beginning of the first taxable year of the employer following December 31, 1942, and ending June 30, 1945, if the provisions thereof satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943. In the case of an annuity plan put into effect after September 1, 1942 and prior to January 1, 1945, these requirements are considered to be satisfied for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943. In the case of an annuity plan put into effect after December 31, 1944, these requirements are considered to be satisfied for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put into effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period. See section 162 (d) of the Revenue Act of 1942, as amended by Public Law 511 (78th Congress) approved December 20, 1944, and § 29.165-5.

(c) When the contribution is paid there must be a definite affirmative provision that any refunds of premiums shall be applied within the current or next succeeding taxable year toward the purchase of such retirement annuities. For the purpose of this condition, "refunds of premiums" includes dividends or experience rating credits, surrender or cancellation credits, credits on account of correction adjustments, and similar

credits whether credited in the taxable year of contribution or in any later year either before, on, or after termination of any annuity contract. Where the credits for each year are consistently and regularly determined in that year or before payment of premiums in the following year, a provision that such credits shall be applied regularly as they are determined toward the payment of premiums next due for retirement annuities under the plan, so that no contributions are paid while unapplied credits are available, will meet this condition in respect of the requirement as to the time of applying refunds even though it is possible that unapplied credits might sometimes exceed the premiums for the ensuing year so that such credits might not be fully applied until a later year. The required provision for application of refunds must provide that the purchase of retirement annuities therefrom shall be in accordance with the annuity plan so long as it is in effect and, in event of discontinuance of the plan, that the refunds shall be applied, to the extent they suffice, to extend purchase of annuities in accordance with the plan so far as practicable and that any balance shall be applied to purchase annuities representing liabilities (including contingent liabilities) for employees covered under the plan, by an equitable application which does not contravene the conditions of section 165 (a) (4). In every case any such refunds or balance must be applied in accordance with the above required provisions.

Where the above conditions are satisfied, the amounts of deductions under section 23 (p) (1) (B) are governed by the limitations provided in section 23 (p) (1) (A). See §§ 29.23 (p)-4 to 29.23 (p)-8, inclusive.

PAR. 10. Section 29.23 (p)-10 is amended to read as follows:

§ 29.23 (p)-10 *Contributions of an employer to an employees' profit-sharing or stock bonus trust that meets the requirements of section 165 (a), application of section 23 (p) (1) (C)* If contributions are paid by an employer in a taxable year beginning after December 31, 1941, to a profit-sharing or stock bonus trust for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 29.23 (p)-1), the contributions are deductible under section 23 (p) (1) (C) if the further conditions provided therein are also satisfied. In order to be deductible under section 23 (p) (1) (C) the contributions must be paid in a taxable year of the employer which ends with or within a taxable year of the trust for which it is exempt under section 165 (a) and the trust must not be designed to provide retirement benefits for which the contributions can be determined actuarially.

The amount of deductions under section 23 (p) (1) (C) for any taxable year is subject to limitations based on the compensation otherwise paid or accrued during such taxable year to the employees who, in such year, are beneficiaries of the trust funds accumulated under the plan. For this purpose "compensation otherwise paid or accrued" means

compensation other than that for which deductions are governed by section 23 (p). The limitations under section 23 (p) (1) (C) apply to the total amount deductible for contributions to the trust regardless of how the funds of the trust are invested, applied, or distributed, and no other deduction is allowable on account of any benefits provided by contributions to the trust or by the funds thereof. Where contributions are paid to two or more profit-sharing or stock bonus trusts satisfying the conditions for deduction under section 23 (p) (1) (C) such trusts are considered as a single trust in applying these limitations.

The primary limitation on deductions for a taxable year is 15 percent of the compensation otherwise paid or accrued during such taxable year to the employees who, in such year, are beneficiaries of the trust funds accumulated under the plan. So long as the contributions do not in any year exceed the primary limitation, this is the only limitation under section 23 (p) (1) (C) which has any effect.

Where contributions in some taxable year beginning after December 31, 1941, are less than the primary limitation but contributions in a later taxable year exceed the primary limitation, deductions for contributions in each later year are subject to a secondary instead of to the primary limitation. The secondary limitation for any year is equal to the lesser of (a) twice the primary limitation for the year, or (b) any excess of (1) the aggregate of the primary limitations for the year and for all prior years beginning after December 31, 1941, over (2) the aggregate of the deductions allowed or allowable under the limitations provided in section 23 (p) (1) (C) for all prior years beginning after December 31, 1941, after giving effect to the provisions of section 162 (d) (1) (C) of the Revenue Act of 1942 in computing both subparagraphs (1) and (2) of this paragraph.

In any case where the contributions in a taxable year beginning after December 31, 1941 exceed the amount allowable as a deduction for the year under section 23 (p) (1) (C) after giving effect to section 162 (d) (1) (C) of the Revenue Act of 1942, the excess is deductible in succeeding taxable years, in order of time, in which the contributions are less than the primary limitations, so that the total deduction for any such succeeding year is equal to the primary limitation for such year but not more than the sum of the contributions in such year and the excess contributions not deducted under the limitations of section 23 (p) (1) (C) for prior years beginning after December 31, 1941.

In case contributions are paid in the employer's taxable year beginning in 1942 and prior to September 1, 1942, the limitation on deductions for such taxable year is subject to an exception provided in section 162 (d) (1) (C) of the Revenue Act of 1942 (see § 29.23 (p)-3).

In case deductions are allowable under section 23 (p) (1) (A) or (B) as well as under section 23 (p) (1) (C) the limitations under section 23 (p) (1) (A) and (C) are determined and applied without giving effect to the provisions of section

23 (p) (1) (F) but the amounts allowable as deductions are subject to the further limitations provided in section 23 (p) (1) (F) (see § 29.23 (p)-12).

The provisions of section 23 (p) (1) (C), after effect has been given to section 162 (d) (1) (C) of the Revenue Act of 1942 but without giving effect to section

23 (p) (1) (F), may be illustrated as follows:

Illustration of provisions of section 23 (p) (1) (C) after effect has been given to section 162 (d) (1) (C) of the Revenue Act of 1942 but without giving effect to section 23 (p) (1) (F) (all figures represent thousands of dollars).

	Taxable (calendar) years						
	1942	1943	1944	1945	1946	1947	1948
1. Amount of contributions:							
(a) In taxable year.....	65	10	15	100	70	40	20
(b) Carried over from prior taxable years.....	0	8	0	0	4	5	3
2. Primary limitation applicable to year: 15 percent of covered compensation in year 1.....	57	54	51	43	45	42	39
3. Secondary limitation applicable to year:							
(a) Twice primary limitation.....				86	90	84	—
(b) (i) Aggregate primary limitations (see item 2).....				210	235	227	—
(2) Aggregate prior deductions (see item 4 (c)).....				60	123	225	—
Excess of (i) over (2).....				150	69	42	—
Lesser of (a) or (b).....				60	69	42	—
4. Amount deductible for year on account of:							
(a) Contributions in year.....	57	10	15	66	69	40	20
(b) Contributions carried over.....	0	8	0	0	0	2	3
(c) Total.....	57	18	15	66	69	42	23
5. Excess contributions carried over to succeeding years.....	8	0	0	4	5	3	0

¹ Compensation otherwise paid or accrued during the year to the employees who are beneficiaries under the trust in the year.

PAR. 11. Section 29.23 (p)-11 *Contributions of an employer under a plan that does not meet the requirements of section 165 (a) (section 23 (p) (1) (D))* is amended by striking out the last sentence thereof and inserting in lieu thereof the following two sentences: "If an amount is accrued but not paid during the taxable year, no deduction is allowable for such amount for such year. If an amount is paid during the taxable year but the rights of the employee therein are forfeitable at the time the amount is paid, no deduction is allowable for such amount for any taxable year."

PAR. 12. Section 29.23 (p)-12 is amended to read as follows:

§ 29.23 (p)-12 *Contributions of an employer where deductions are allowable under section 23 (p) (1) (A) or (B) and also under section 23 (p) (1) (C), application of section 23 (p) (1) (F)*. Where deductions are allowable under section 23 (p) (1) (A) or (B) for any taxable year beginning after December 31, 1941, on account of contributions under a pension or annuity plan and deductions are also allowable under section 23 (p) (1) (C) for the same year, on account of contributions to a profit-sharing or stock bonus trust, the total deductions under these sections are subject to the provisions of section 23 (p) (1) (F) unless no employee who is a beneficiary under the trusts or plans for which deductions are allowable under section 23 (p) (1) (A) or (B) is also a beneficiary under the trusts for which deductions are allowable under section 23 (p) (1) (C). The provisions of section 23 (p) (1) (F) apply only to deductions for overlapping trusts or plans, i. e., for all trusts or plans for which deductions are allowable under section 23 (p) (1) (A), (B), or (C) except (a) any trust or plan for which deductions are allowable under section 23 (p) (1) (A) or (B) and which does not cover any employee who is also covered under a trust for which deductions are allowable under section 23 (p) (1) (C), and

(b) any trust for which deductions are allowable under section 23 (p) (1) (C) and which does not cover any employee who is also covered under a trust or plan for which deductions are allowable under section 23 (p) (1) (A) or (B). The limitations under section 23 (p) (1) (F) for any taxable year are based on the compensation otherwise paid or accrued during the year to all the employees who are beneficiaries under the overlapping trusts or plans in the year. For this purpose "compensation otherwise paid or accrued" means compensation other than that for which deductions are governed by section 23 (p).

Under section 23 (p) (1) (F) any excess of the total amount otherwise deductible under section 23 (p) (1) (A) (B) or (C) for a taxable year beginning after December 31, 1941 for overlapping trusts or plans in the year over 25 percent of the compensation otherwise paid or accrued during the year to all the employees who are beneficiaries under such trusts or plans is not deductible for such year but is deductible for succeeding taxable years, in order of time, so that the total deductions for such trusts or plans for a succeeding taxable year is equal to the lesser of:

(a) 30 percent of the compensation otherwise paid or accrued during the taxable year to all the employees who are beneficiaries under such trusts or plans in the year, or

(b) The sum of (i) the smaller of (i) 25 percent of the compensation otherwise paid or accrued during the taxable year to all the employees who are beneficiaries under such trusts or plans in the year, or (ii) the total of the amounts otherwise deductible under section 23 (p) (1) (A) (B) or (C) for the year for such trusts or plans, and (2) any carry-over to the year from prior years under section 23 (p) (1) (F) 1. e., any excess otherwise deductible under section 23 (p) (1) (A), (B) or (C) for a prior taxable year beginning after December 31, 1941 but not deducted for a

prior taxable year because of the limitations under section 23 (p) (1) (F).

The limitations under section 23 (p) (1) (F) are determined and applied after all the limitations, deductions otherwise allowable, and carry-overs under section 23 (p) (1) (A), (B), and (C) have been determined and applied, and, in particular, after effect has been given to the carry-over provision in clause (iv) under section 23 (p) (1) (A) and in the second and third sentences of section 23 (p) (1) (C). Where the limitations under section 23 (p) (1) (F) reduce the total amount deductible, the excess deductible in succeeding years is treated as a carry-over which is distinct from and additional to any excess contributions car-

ried over and deductible in succeeding years under the provisions in clause (iv) of section 23 (p) (1) (A) or in the third sentence of section 23 (p) (1) (C). The application of the provisions of section 23 (p) (1) (F) and the treatment of carry-overs for a case where the taxable years are calendar years and the overlapping trusts or plans consist of a pension trust and a profit-sharing trust put into effect in 1943 and covering the same employees may be illustrated as follows:

Illustration of application of provisions of section 23 (p) (1) (F) and of treatment of carry-overs for overlapping pension and profit-sharing trusts put into effect in 1943 and covering the same employees (all figures represent thousands of dollars).

	Taxable (calendar) years			
	1943	1944	1945	1946
<i>Before giving effect to section 23 (p) (1) (F)</i>				
Pension trust contributions and limitations, deductions, and carry-overs under section 23 (p) (1) (A):				
1. Contributions paid in year.....	215	85	140	60
2. Contributions carried over from prior years.....	0	5	0	20
3. Total deductible for year subject to limitation.....	215	90	140	80
4. Limitation applicable to year.....	210	175	120	85
5. Amount deductible for year.....	210	90	120	80
6. Contributions carried over to succeeding years.....	5	0	20	0
Profit-sharing trust contributions and limitations, deductions, and carry-overs under section 23 (p) (1) (C):				
7. Contributions paid in year.....	200	125	105	65
8. Contributions carried over from prior years.....	0	35	10	0
9. Total deductible for year subject to limitation.....	200	160	115	65
10. Limitation applicable to year.....	165	150	135	110
11. Amount deductible for year.....	165	150	115	65
12. Contributions carried over to succeeding years.....	35	10	0	0
Application of section 23 (p) (1) (F)—totals for pension and profit-sharing trust:				
13. Amount deductible for year under section 23 (p) (1) (F):				
(a) 30 percent of compensation covered in year ¹	(²)	300	270	180
(b) (i) 25 percent of compensation covered in year ²	275	250	225	150
(ii) Total amount otherwise deductible for year: 5 plus 11.....	375	240	235	145
(iii) Smaller of (i) or (ii).....	275	240	225	145
(2) Carry-over from prior years under section 23 (p) (1) (F).....	0	100	40	10
(3) Sum of (1) (iii) and (2).....	275	340	265	155
(c) Amount deductible: Lesser of (a) or (b) (3).....	275	300	255	155
14. Carry-over to succeeding years under section 23 (p) (1) (F): 13 (b) (2) plus 13 (b) (1) (ii) minus 13 (c).....	100	40	10	0

¹ Includes carry-over of 20 from 1945.

² Compensation otherwise paid or accrued during the year to the employees who are beneficiaries under the trusts in the year.

³ 30 percent limitation not applicable to first year of plan.

In case contributions are paid in the employer's taxable year beginning in 1942 and prior to September 1, 1942, and the deduction allowable for such year is increased by the effect of section 162 (d) (1) (C) of the Revenue Act of 1942 (see § 29.23 (p)-3) the deductions otherwise allowable for such year under section 23 (p) (1) (A), (B) or (C) are considered to be those allowable after giving effect to the provisions of section 162 (d) (1) (C) of the Revenue Act of 1942 severally for the several overlapping trusts or plans in such year and the limitation applicable to such year under section 23 (p) (1) (F) is not less than the sum of (a) the amounts paid in such taxable year prior to September 1, 1942 to or under the overlapping trusts or plans and deductible under section 23 (a) or 23 (p) prior to amendment by section 162 (d) of the Revenue Act of 1942, and (b) so much of the amounts paid in such taxable year on or after September 1, 1942, to or under such trusts or plans as does not exceed that proportion of 25 percent of the compensation otherwise paid or accrued during such taxable year to all

employees who are beneficiaries under such trusts or plans in the year, which the number of months in such taxable year after August 31, 1942 bears to twelve.

[F. R. Doc. 47-10070; Filed, Nov. 13, 1947; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

19 CFR, Part 271

MEAT INSPECTION REGULATIONS; ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION OF PRODUCT INTO UNITED STATES

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by section 306 of the Tariff Act of 1930 (46 Stat. 689; 19 U. S. C. 1306), proposes to amend § 27.2 of Subchapter A, Chapter I, Title 9, Code of Federal Regulations, to read as follows:

§ 27.2 *Eligibility of foreign countries for importation of product into the United States.* (a) Whenever it shall be determined by the Secretary of Agriculture that the system of meat inspection maintained by any foreign country is the substantial equivalent of, or is as efficient as, the system established and maintained by the United States and that reliance can be placed upon certificates required under this part from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section, and thereafter product as to which the foreign inspection or certification is determined to be sufficient shall be eligible for importation into the United States from such foreign country, after applicable requirements of this subchapter have been met. Product from foreign countries not listed in paragraph (b) of this section is not eligible for importation into the United States, except as provided by § 27.18. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Secretary of Agriculture (1) that the system of meat inspection maintained by such foreign country is not the substantial equivalent of, or is not so efficient as, the system established and maintained by the United States, or that reliance cannot be placed upon certificates required under this part from authorities of such foreign country, or (2) that, for lack of current information concerning the system of meat inspection being maintained by such foreign country or for any other reason, such foreign country should re-establish its eligibility for listing.

(b) It has been determined by the Secretary of Agriculture that product from the following foreign countries, covered by foreign meat inspection certificates of the country or origin as required by § 27.6 except fresh, chilled, or frozen or other prohibited or restricted product from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as listed in 9 CFR, Part 94, is eligible for importation into the United States after inspection and marking as required by this subchapter:

Argentina.	Italy.
Australia.	Luxembourg.
Belgium.	Madagascar.
Brazil.	Netherlands.
Canada.	New Zealand.
Cuba.	Northern Ireland.
Czechoslovakia.	Norway.
Denmark.	Paraguay.
Dominican Republic.	Scotland.
England and Wales.	Spain.
Finland.	Sweden.
France.	Switzerland.
Iceland.	Uruguay.
Ireland (Eire).	Venezuela.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing the same with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 15th day after the publication of this notice in the FEDERAL REGISTER.

This notice of proposed rule making is issued in lieu of the notice issued September 5, 1947 (12 F. R. 6064)

Issued this 7th day of November 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10077; Filed, Nov. 13, 1947;
8:52 a. m.]

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 319]

FOREIGN QUARANTINE NOTICES; MODIFY RESTRICTIONS GOVERNING IMPORTATION OF CERTAIN FRUITS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (60 Stat. 237) that the United States Department of Agriculture is considering the amendment of § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR § 319.56) by striking therefrom the following two paragraphs and substituting for the first deleted paragraph another paragraph as indicated below:

Paragraphs to be stricken are:

Except as restricted, as to certain countries and districts, by special quarantines and other orders now in force and by such restrictive orders as may hereafter be promulgated, the following fruits may be imported from all countries under permit and on compliance with the regulations in this subpart: Bananas, pineapples, lemons, and sour limes. Grapes of the European or vinifera type and any vegetable, except as restricted by special quarantine as indicated above, may be imported from any country under permit and on compliance with the regulations in this subpart, at such ports as shall be authorized in the permits, on presentation of evidence satisfactory to the United States Department of Agriculture that such grapes and vegetables are not attacked in the country of origin by injurious insects, including fruit and melon flies (Trypetidae) or that their importation from definite areas or districts under approved safeguards prescribed in the permits can be authorized without risk.

(d) *Japan*. Upon compliance with the regulations under § 319.28, oranges of the mandarin class, including satsuma and tangerine varieties, may be imported from Japan at the port of Seattle and such other northern ports as may be designated in the permits.

In lieu of the first deleted paragraph, it is proposed to substitute the following:

Any fruit or vegetable, except as restricted, as to certain countries and districts, by special quarantines and other orders now in force and by such restrictive orders as may hereafter be promulgated, may be imported from any

country under permit and on compliance with the regulations in this subpart, at such ports as shall be authorized in the permits, on presentation of evidence satisfactory to the United States Department of Agriculture that such fruits and vegetables are not attacked in the country of origin by injurious insects, including fruit and melon flies (Tephritidae) or that their importation from definite areas or districts under approved safeguards prescribed in the permit can be authorized without risk.

In effect, the provision in the first sentence of the first quoted paragraph is a blanket authorization for the importation of bananas, pineapples, lemons, and sour limes from all countries under permit, except as restricted as to certain countries and districts by special quarantines and other orders. This action was taken because the entry of these fruits from approved areas was believed, at the time the said regulation was promulgated, to represent a minimum of pest risk. Permits for other fruits and vegetables are issued on the basis of insect pest conditions in the country of origin.

Now it has been learned that the so-called mango fruitfly (*Dacus dorsalis* Hendl.) attacks bananas, lemons, and sour limes. This insect has been reported to occur in Ceylon, India, Burma, Formosa, Marianas Islands, Ryukyu Islands, China, Philippine Islands, Japan, Bonin Islands, Malaya, and Java. Pineapples from the Fiji Islands are likely to be infested with the Fiji fruitfly (*Dacus xanthodes* Broun.) Both of these insects attack a variety of fruits. Entry of these four fruits, therefore, should no longer be permitted from these or other countries where destructive plant pests are known to occur.

The proposed action would withdraw blanket approval, now a part of the regulations, for the entry of these fruits under permit. It contemplates placing them on the same restricted basis as other fruits and vegetables covered by the Fruit and Vegetable Quarantine, decisions on applications for permits for their importation to be rendered on the basis of the pests occurring in the country of origin.

Revocation of the paragraph relating to the importation from Japan of oranges of the mandarin class is in conformity with the provision of the Citrus Fruit Quarantine No. 28 (12 F. R. 6346), which prohibits such importations.

None of the countries or localities in which these insect pests are known to occur has in the past supplied us with appreciable quantities of either bananas, pineapples, lemons, or sour limes. Entry of lemons and sour limes from the Far Eastern localities named is now prohibited by the Citrus Fruit Quarantine.

Mexico, the West Indies, and Central and South American countries are our principal sources for bananas and sour limes. Most of our imported lemons come from Italy. Fortunately the mango fruitfly is not known to occur in any of these areas. Pineapples are not attacked by the mango fruitfly. The proposed action, therefore, would have no effect

on the importation of any of these fruits from the principal producing countries as long as they remain free of pest risk, and these fruits would continue to be imported under permits outstanding for their entry.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., within 20 days of the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 5 and 7, act of August 20, 1912, 37 Stat. 316 and 317; 7 U. S. C. 159 and 160)

Done at Washington, D. C., this 10th day of November 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] N. E. DONN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-10094; Filed, Nov. 13, 1947;
8:53 a. m.]

Production and Marketing Administration

[P. & S. Docket No. 303]

MARKET AGENCIES AT SIOUX CITY STOCK
YARDS, SIOUX CITY, IOWA, RESPONDENTS

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.) an order was issued on June 2, 1947 (6 A. D. 526), continuing in effect orders issued on December 31, 1946 (5 A. D. 893), and January 27, 1947 (6 A. D. 8), which orders provided for certain temporary rates and charges for the respondent market agencies for a period ending December 31, 1947.

By petition filed on October 31, 1947, the respondents have requested that they be authorized to file a new schedule of rates and charges which will read as follows:

DEFINITIONS

A "consignment for the purpose of accessing selling charges," is all the live stock of one species (cattle, calves and bulls to be considered as separate species) belonging to one owner and delivered to one market agency to be offered for sale, during the trading hours of one day.

A "consignment for the purpose of accessing buying charges," is all the live stock of one species (cattle, calves and bulls to be considered as separate species) bought at any time but shipped or delivered to one person on one market day.

A "draft" is all those animals in one consignment weighed as a single sale or purchase classification.

A "person" is an individual, a partnership, a corporation, and/or association of any such acting as a unit.

"Calves" are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 400 pounds or under.

"Cattle" are animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 400 pounds.

SECTION A—SELLING CHARGES

CATTLE

	Per head
Consignments of one head and one head only.....	\$1.50
Consignments of more than one head:	
Consignments of 20 head or less: 1½ % of gross proceeds of sale of each consignment, but not to exceed \$1.15 per head or to be less than 85¢ per head for the consignment.	
Consignments of more than 20 head:	
For the first 20 head in each consignment: 1½ % of the gross proceeds of sale of such number of head but not to exceed \$1.15 per head or to be less than 85¢ per head for such number of head.	
For all head over 20 in each consignment: 1½ % of the gross proceeds of sale of all such number of head but not to exceed 90¢ per head or to be less than 70¢ per head for such number of head.	

CALVES

	Per head (cents)
Consignments of one head and one head only.....	75
Consignments of more than one head:	
Consignments of 20 head or less: 1½ % of gross proceeds of sale of each consignment, but not to exceed 60¢ per head or to be less than 45¢ per head for the consignment.	
Consignments of more than 20 head:	
For the first 20 head in each consignment: 1½ % of the gross proceeds of sale of such number of head but not to exceed 60¢ per head or to be less than 45¢ per head for such number of head.	
For all head over 20 in each consignment: 1½ % of the gross proceeds of sale of all such number of head but not to exceed 50¢ per head or to be less than 35¢ per head for such number of head.	

SECTION B—SELLING CHARGES

HOGS

	Per head (cents)
Consignment of one head and one head only.....	50
Consignments of more than one head:	
Consignments of 20 head or less: 1½ % of gross proceeds of sale of each consignment, but not to exceed 40¢ per head or to be less than 30¢ per head for the consignment.	
Consignments of more than 20 head:	
For the first 20 head in each consignment: 1½ % of the gross proceeds of sale of such number of head but not to exceed 40¢ per head or to be less than 30¢ per head for such number of head.	
For all head over 20 in each consignment: 1½ % of the gross proceeds of sale of all such number of head but not to exceed 30¢ per head or to be less than 25¢ per head for such number of head.	

SECTION C—SELLING CHARGES

SHEEP

Consignment; by rail: 1½ % of gross proceeds of sale of each consignment but, for the consignment, not to exceed 20¢ per head or to be less than 15¢ per head and, in no event, to exceed \$16.00 for sheep in a single deck or \$23.00 for sheep in a double deck. In the case of consignments belonging to two or more owners the truck rate shall be used for each owner.

	Per head (cents)
Consignment; by truck:	
Consignments of one head and one head only.....	50

Consignments of more than one head: On each 225 head of sheep or fraction thereof in one consignment belonging to one owner the rate shall be determined as follows:

First 115 head, 1½ % of gross proceeds of the sale of all such number of head but, for such number of head, not to exceed 27¢ per head or to be less than 23¢ per head and, in no event, to exceed \$16.00.

For all head over 115 in each 225 head: 1½ % of the gross proceeds of sale of all such number of head but, for such number of head, not to exceed 20¢ per head or to be less than 15¢ per head and, in no event, to exceed \$23.00. Minimum charge 50¢ (by truck or rail).

SECTION D—DRAFTS

In the case of those consignments where more than three drafts are necessary or requested, 25¢ per draft in excess of three, maximum \$3.00 on any one consignment will be charged.

SECTION E—RESALES

Resales of all species of livestock: The charge for the resales of all species of livestock shall be the same as the selling charges for those species.

SECTION F—BUYING CHARGES

CATTLE

For purchasing stocker and feeder cattle and calves, the charge shall be:

	Per head
First 20 head.....	\$0.75
Over 20 head.....	.60
Bulls.....	1.25
Minimum charge, except bulls.....	1.00

CALVES

First 20 head.....	.45
Over 20 head.....	.30
Minimum charge for calves 50¢ per head.	

CATTLE FOR IMMEDIATE SLAUGHTER

The charge for buying cattle, other than bulls, for immediate slaughter to be shipped by rail shall be 60¢ per head, with a minimum of \$15.00 per car and a maximum of \$18.00 per car. Bulls \$1.25 per head with a minimum of \$15.00 on rail cars. No maximum.

CALVES

50¢ per head with a maximum of \$18.00 per single deck rail car, and \$25.00 double-deck rail car. When necessary to purchase cattle, calves or bulls from more than two (2) agencies a charge of \$2.00 per car shall be made in addition to the regular buying commission.

TRUCK PURCHASES

Buying charges for trucked out cattle for immediate slaughter shall be 75¢ per head, calves 50¢ per head, bulls \$1.25 per head.

HOGS

Stock hogs 30¢ per head with a maximum of \$20.00 per single deck car, \$30.00 per double-deck car. Stock hogs trucked out 30¢ per head.

Slaughter hogs 25¢ per head with a maximum of \$12.00 per single deck rail car, \$15.00 per double-deck car.

Slaughter hogs to be trucked out 25¢ per head, with a maximum of \$7.50 on shipments of 12,000 pounds or under; 12,000 to 20,000 pounds maximum of \$12.00; 20,000 to 28,000 pounds a maximum of \$15.00.

The minimum charge for any purchase, 50¢.

SHEEP

By rail: Sheep or lambs by rail \$13.00 per single deck, \$20.00 per double deck.

Sheep or lambs driven or hauled out 20¢ per head with a maximum of \$13.00 up to and

including 115 head; 15¢ per additional head above 115 with a maximum charge of \$23.00 up to and including each 225 head.

Minimum charge, 50¢.

Ewe with own lamb at side: One sheep.

The rates for buying livestock of the various species shall not be in excess of those for selling like species.

SECTION G—EXTRA SERVICE CHARGES

1. When cattle bought from other firms by the purchaser himself are paid for, and/or picked up, and/or billed out, and/or any assistance is given relative to tuberculin or abortion tests, the regular buying commission herein provided shall be charged.

2. When cattle consigned to a commission firm for sale are sold to a buyer who requests that his purchase be billed out, one-fourth the regular buying commission shall be charged to the buyer, except there shall be no charge when the Sioux City Stock Yards Company will accept forwarding orders out of pens into which delivery of scales is made. When any assistance is given relative to tuberculin or abortion tests, the regular buying commission herein provided shall be charged.

3. For delivery of cattle and/or calves to brand chutes for branding, dehorning, castration, vaccination, etc., the charge shall be five (5) cents per head, with the minimum charge for any one lot of cattle and/or calves \$1.00. (This is in addition to the two service charges listed above.)

SECTION H—FIRE INSURANCE

To cover the cost of premium on a policy of insurance against loss by fire, lightning and cyclones, tornado or windstorm, protecting the owners of livestock consigned to the Sioux City market against losses by fire, lightning and cyclone, tornado or windstorm, during the time said animals are within the confines of the Sioux City Stock Yards, the following charges shall be deducted by the participating agencies from the proceeds of sales:

Cattle and calves ten (10¢) cents per carload.

Hogs ten (10¢) cents per carload.

Sheep ten (10¢) cents per carload.

Truck cattle and calves one (1¢) cent for every two head or fraction thereof.

Truck hogs one (1¢) cent for every seven head or fraction thereof.

Truck sheep one (1¢) cent for every seven head or fraction thereof.

The charge not to exceed ten (10¢) cents up to thirty (30) head of cattle, or calves, one ownership.

Seventy-five (75) head of hogs, one ownership.

Three hundred (300) head of sheep, one ownership.

CLEARING HOUSE CHARGE

The Sioux City Live Stock Exchange will make a charge against each firm for whom we make collections of checks for live stock sales and purchases, based on the cost of such service prorated on a basis of the number of items handled, bills for such service to be rendered and paid monthly.

A check of the number of items will be made one month in four, and the result of that check will serve as a basis for the charge for the ensuing four months. The minimum charge per month for any firm will be twenty-five (25¢) cents.

FEES FOR COLLECTING AND REMITTING TRUCK CHARGES

For computing, collecting, and paying or remitting to the person entitled to receive the same, any truck or hauling charge for transporting live stock to or from the Sioux City Stock Yards, a charge of ten (10¢) cents shall be made, this charge to cover all collections and remittances of such hauling charges as shall be made at one time cover-

ing deliveries of live stock on a single market day by one truck carrier.

BRAND INSPECTION

The sum of ten (10¢) cents per head may be deducted by each of the participating agencies, from the proceeds of sales of branded cattle, as a brand-inspection fee for inspecting cattle for brands, in the case of cattle bearing registered brands and originating within the territory over which the Wyoming Stock Growers' Association, the Nebraska Stock Growers' Association, North Dakota Stockmen's Association and the South Dakota Stock Growers' Association respectively exercise supervision, said fee being charged in accordance with the tariffs now on file with the Packers and Stock Yards Division, filed by said associations, the full amount of such fees to be remitted by said participating agencies to the respective associations above designated, in accordance with an agreement between said associations and the Sioux City Live Stock Exchange now in force.

INSPECTION CHARGES ON HOGS AND CATTLE

Charges for inspection shall be made as hereinafter set out, to cover inspection of hogs for dockage when necessary, and inspection of hogs for injury or disease affecting their fitness for human food; inspection of cattle for injury or disease affecting their fitness for human food; inspection and examination of cripples or dead animals for marks of identification, and the weighing of dead animals and rendering reports thereon to the consignees, consignors and U. S. Bureau of Animal Industry.

Hogs. A charge of 50 cents shall be made, to apply on the additional cost of inspection of hogs whenever an appeal is taken from the shrinkage or dockage fixed by the Inspector in Charge at the Scale to the Chief Inspector, said charge to be paid by the person or firm appealing.

A charge of \$1.50 shall be made, to be paid by the person appealing, whenever an appeal shall be taken from the decision of the Chief Inspector to the Board of Arbitrators, said sum to be divided prorate between the arbitrators acting in the case, as their compensation for service.

A charge of 30¢ per carload shall be made to cover the cost of inspection of hogs for dockage when necessary, and inspection for injury or disease affecting their fitness for human food on all hogs arriving by rail. On hogs trucked or driven in, a charge of 1½¢ per head up to 30¢ shall be made for any lot of hogs not exceeding 30 head. The same rate shall apply on the excess over 30 head.

Cattle. A charge of 30¢ per carload, regardless of number of animals in any car, shall be made on all cattle arriving by rail, to cover the cost of inspection of cattle sold for slaughter for disease or injury affecting their fitness for food. On cattle trucked or driven in, the charge shall be 1½¢ per head up to 30¢ for each lot not exceeding 25 head, the same rate to apply on the excess over 25 head.

The respondents have also requested that in the event that the rates and charges set forth above are not authorized they be authorized to file a schedule of rates and charges identical with the one set forth above except that the selling charges shall be as follows:

SECTION A—SELLING CHARGES

CATTLE

Per head

One head and one head only.....	\$1.50
Consignments of more than one head:	
First 20 head.....	1.15
Over 20 head.....	.90

CALVES

One head and one head only.....	75
---------------------------------	----

No. 223—25

CALVES—continued

Per head

Consignments of more than one head:	
First 20 head.....	\$0.60
Over 20 head.....	.60
The charge on each single-deck car of cattle and/or calves belonging to one owner shall not exceed \$30.00; on each double-deck car of cattle and/or calves belonging to one owner the charge shall not exceed \$40.00.	

SECTION B—SELLING CHARGES

HOGS

Per head

One head and one head only.....	\$0.50
Consignments of more than one head:	
First 20 head.....	.40
Over 20 head.....	.30

SECTION C—SELLING CHARGES

SHEEP

Consignment: By rail: 20¢ per head, not to exceed \$18.00 for sheep in a single-deck, or \$23.00 for sheep in a double-deck. Consignments belonging to two or more owners the truck rate shall be used for each owner.

By truck:

Per head

One head and one head only.....	\$0.50
Consignments of more than one head:	
First 115 head.....	.27
Maximum charge \$16.00.	
Over 115 head.....	.20
Maximum charge \$23.00 up to and including each 225 head.	
Minimum charge 50¢ (by truck or rail).	

Note: Double-deck charge prevails when two single-deck cars are furnished in lieu of one double-deck ordered.

The respondents have also requested that, in the event that the filing of neither of the aforementioned schedules of rates and charges is authorized before December 31, 1947, the present rates and charges be continued in effect.

Authorization to file either of the two new tariffs described above will result in additional revenue to the respondents.

It appears that public notice should be given of the filing of this petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice of the filing of this petition is hereby given to the public and to all interested persons.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 7th day of November 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-10032; Filed, Nov. 13, 1947; 8:52 a. m.]

17 CFR, Part 7251

BURLEY AND FLUE-CURED TOBACCO

NOTICE WITH RESPECT TO APPORTIONMENT OF NATIONAL MARKETING QUOTAS FOR 1948-49 MARKETING YEAR AMONG THE STATES

Pursuant to the authority contained in the applicable provisions of the Agri-

cultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup. 1311, 1312, and 1313) the Secretary of Agriculture in considering the apportionment of the national marketing quotas, if proclaimed, for Burley tobacco and for flue-cured tobacco for the 1948-49 marketing year among the several States. (See 12 F. R. 6786 for notice of hearings with respect to the national marketing quotas.)

Section 313 (a) of the act (7 U. S. C. Sup. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 313 (small farms and "new" farms) among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs) with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

In apportioning the national marketing quotas for Burley and flue-cured tobacco for the 1948-49 marketing year, consideration will be given to any data, views, and recommendations pertaining thereto, which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than November 29, 1947.

Issued at Washington, D. C., this 7th day of November 1947.

[SEAL] JESSE B. GILMER,
Administrator.

[F. R. Doc. 47-10035; Filed, Nov. 13, 1947; 8:53 a. m.]

17 CFR, Part 9461

[Docket No. AO-123-A7]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held at the Brown Hotel, Louisville, Kentucky, beginning at 9:30 a. m., c. s. t., November 17, 1947, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement, as heretofore approved (12 F. R. 6504) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area (12 F. R. 6567). These proposed

amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed:

By the Falls Cities Cooperative Milk Producers Association:

1. Amend the provisions of § 946.4 (b) so as to provide Class I and Class II

"floor" prices for a limited period in 1948 at the December, 1947, "floor" price level.

By the Dairy Branch, Production and Marketing Administration:

2. Make such other changes as may be required to make the entire marketing agreement and the order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may

be procured from the market administrator, 1235 Starks Building, Louisville, Kentucky, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 10, 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-10091; Filed, Nov. 13, 1947;
8:52 a. m.]

NOTICES

[Misc. 8063]

OREGON

RESTORATION ORDER NO. 1236 UNDER FEDERAL
POWER ACT

NOVEMBER 7, 1947.

Pursuant to the determination of the Federal Power Commission (DA-358, Oregon) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, having been withdrawn for Power Site Reserve No. 66 by Executive Order of July 2, 1910, are hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063) as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818) and subject to the stipulation that, if and when the lands are required wholly or in part for purposes of power development, any structures, machinery, or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States, its permittees or licensees:

WILLAMETTE MERIDIAN

T. 6 S., R. 13 E., sec. 13, lots 8, 9, and 10;
sec. 24, E $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 6 S., R. 14 E., sec. 18, lot 5; sec. 19, lots 1
and 10.

The area described aggregates 192.02 acres.

This order shall become effective at
10:00 a. m. on January 9, 1948.

FRED W. JOHNSON,
Director

[F. R. Doc. 47-10064; Filed, Nov. 13, 1947;
8:50 a. m.]

[Order 2372]

DELEGATION OF AUTHORITY TO COUNTER-
SIGN LAND PATENTS

Under authority of section 458 of the Revised Statutes (43 U. S. C. 15) section 4 of the President's Reorganization Plan No. III of 1940, 5 F. R. 2108 and sec-

tion 403 of the President's Reorganization Plan No. 3 of 1946, 11 F. R. 7876, the Chief of the Patents Section of the Land Disposal Division of the Bureau of Land Management, and in his absence the Acting Chief of the section are hereby designated to countersign land patents issuing from the Bureau of Land Management. This order shall be effective as of October 2, 1947, the effective date of the establishment of the Patents Section in the Land Disposal Division of the Bureau of Land Management and the designation of an officer to sign under the title of Acting Chief of the section.

Order No. 1505 of July 6, 1940 is revoked
as of October 2, 1947.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

NOVEMBER 6, 1947.

[F. R. Doc. 47-10065; Filed, Nov. 13, 1947;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2340]

RAILWAY EXPRESS AGENCY, INC., AND
NORTHWEST AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of an agreement filed under section 412 (a) of the Civil Aeronautics Act of 1938, as amended, by and between Railway Express Agency, Inc., and Northwest Airlines, Inc., relating to the operation of an air freight business.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1001 of said act, that oral argument in the above-indicated proceeding is assigned to be heard December 1, 1947, 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 7, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-10078; Filed, Nov. 13, 1947;
8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

MODIFYING GRAZING DISTRICT NO. 3

Under and pursuant to the provisions of the Taylor Grazing Act of June 26, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315, et seq.), and subject to the limitations and conditions therein contained, Nevada Grazing District No. 3 is modified by eliminating therefrom the following described land:

NEVADA

MOUNT DIABLO MERIDIAN

T. 23 N., R. 21 E.,
Sec. 29, NW $\frac{1}{4}$.

The area described aggregates 160 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

OCTOBER 27, 1947.

[F. R. Doc. 47-10062; Filed, Nov. 13, 1947;
8:49 a. m.]

NEVADA

MODIFYING GRAZING DISTRICT NO. 5

Under and pursuant to the provisions of the Taylor Grazing Act of June 26, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315, et seq.), and subject to the limitations and conditions therein contained, Nevada Grazing District No. 5 is modified by eliminating therefrom the following described land:

NEVADA

MOUNT DIABLO MERIDIAN

T. 4 S., R. 66 E.,
Sec. 25, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described aggregates 120 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

OCTOBER 27, 1947.

[F. R. Doc. 47-10063; Filed, Nov. 13, 1947;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6100]

TELLURIDE POWER CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1947.

Notice is hereby given that on November 6, 1947, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Telluride Power Company, a corporation organized under the laws of the State of Delaware and doing business in the State of Utah with its principal business office at Salt Lake City, Utah, seeking an order authorizing the issuance of a new series of 3½% First Mortgage Bonds in the principal amount of \$1,250,000, to be dated September 1, 1947, and maturing September 1, 1972, which will be sold to seven institutional buyers; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 27th day of November 1947, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 47-10071; Filed, Nov. 13, 1947;
8:51 a. m.]

[Docket Nos. G-115, G-399, G-400, G-401]

EAST OHIO GAS CO. ET AL.

NOTICE OF OPINION NO. 158

NOVEMBER 10, 1947.

In the matter of The East Ohio Gas Company, Docket No. G-115; City of Euclid, complainant, v. The East Ohio Gas Company, defendant, Docket No. G-399. City of Cleveland, complainant v. The East Ohio Gas Company, defendant, Docket No. G-400; City of Lakewood, complainant, v. The East Ohio Gas Company, defendant, Docket No. G-401.

Notice is hereby given that, on November 7, 1947, the Federal Power Commission issued its Opinion No. 158 and order entered November 6, 1947, requiring The East Ohio Gas Company, within 90 days from November 7, 1947, to comply with certain accounting and other orders previously issued by the Commission.

[SEAL]

J. H. GUTRIE,
Acting Secretary.[F. R. Doc. 47-10079; Filed, Nov. 13, 1947;
8:52 a. m.]

[Docket No. G-968]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1947.

Notice is hereby given that on November 3, 1947, Cities Service Gas Company (Applicant), a corporation organized under the laws of the State of Delaware,

with its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to sell and deliver natural gas to Union Gas System, Inc., for resale and to construct and operate facilities described as follows:

A meter setting at a mutually convenient point to Applicant and Union Gas System, Inc., on Applicant's Thayer 2-inch gas transmission pipe line near the center of Section 30, Township 29 South, Range 18 East, Nessho County, Kansas.

Applicant states that it proposes to furnish emergency service through the facilities above described to Union Gas System, Inc., for the supply of the city of Galesburg, Kansas, and vicinity, when the available supply of Union Gas System, Inc., is inadequate, and when Applicant has available for delivery gas in excess of the requirements of its other customers.

Applicant further states that the estimated total over-all cost of the proposed facilities is \$1,000.00. The cost will be financed from funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10)

[SEAL]

J. H. GUTRIE,
Acting Secretary.[F. R. Doc. 47-10080; Filed, Nov. 13, 1947;
8:52 a. m.]

[Docket No. G-867]

KENTUCKY NATURAL GAS CORP.

NOTICE OF APPLICATION

NOVEMBER 10, 1947.

Notice is hereby given that on November 3, 1947, Kentucky Natural Gas Corporation (Applicant), a Delaware corporation, with its principal place of business at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing applicant to construct a metering station and make a connection on its 12-inch natural gas

transmission pipe line at a point nearest to the town of Dugger, Indiana, and to sell and deliver natural gas to the town of Dugger, Indiana, for resale by the municipality which has not been served before.

Applicant states that the cost of construction and installation of the facilities heretofore described will not exceed \$1,500.00.

Applicant further states that the town of Dugger, Indiana, will construct a lateral line to the point of connection with Applicant's metering station and proposes to purchase approximately 15,000 Mcf per year in quantities of not less than 500 Mcf per month during summer and 2000 Mcf per month in the winter.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL]

J. H. GUTRIE,
Acting Secretary.[F. R. Doc. 47-10031; Filed, Nov. 13, 1947;
8:52 a. m.]INTERSTATE COMMERCE
COMMISSION

[S. O. 763]

UNLOADING OF COAL AT FAIRPORT HARBOR,
OHIO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of November A. D. 1947.

It appearing, that 3 cars containing coal at Fairport Harbor, Ohio, on the Baltimore and Ohio Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) Coal at Fairport Harbor, Ohio, be unloaded. The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately Reading 74265, B&O 6464 and PMCK&Y 53055, coal, now on hand at Fairport Harbor, Ohio, in the account of Canadian Import Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., November 9, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-10074; Filed, Nov. 13, 1947;
8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1665]

CENTRAL POWER AND LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pennsylvania, on the 5th day of November A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central Power and Light Company ("Central") a public utility subsidiary of Central and South West Corporation, a registered holding company. The company has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Central proposes to issue and sell, pursuant to the competitive bidding provi-

sions of Rule U-50, \$6,000,000 principal amount of First Mortgage Bonds, Series B, ----%, due 1977, and 40,000 shares of ----%, \$100 par value, Cumulative Preferred Stock. The aforesaid bonds are to be issued under and secured by the company's existing indenture dated as of November 1, 1943, and a supplemental indenture to be dated October 1, 1947. The declaration states that \$1,200,000 of the proceeds from the sale of said bonds and preferred stock will be used to retire the company's short term bank loan notes in the amount of \$1,200,000 and the balance thereof will be used for the construction of new facilities.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said declaration, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on November 20, 1947 at 10:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before November 17, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the securities proposed to be issued are reasonably adapted to the security structure of the declarant and other companies in the same holding company system, are reasonably adapted to the earning power of the declarant and otherwise meet the standards of section 7.

2. Whether the terms and conditions of the issue and sale of the proposed bonds and preferred stock are detrimental to the public interest and the interest of investors or consumers.

3. Whether the fees, commissions or other remunerations to be paid in connection with the proposed issue and sale of securities are for necessary services and are reasonable in amount.

4. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper and

in conformity with sound accounting principles.

5. Whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the standards of the act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the declarant herein and that notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-10066; Filed, Nov. 13, 1947;
8:50 a. m.]

[File No. 70-1668]

UNITED GAS IMPROVEMENT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 6th day of November 1947.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The United Gas Improvement Company ("U. G. I."). Applicant-declarant designates sections 10 and 12 (b) of the act and Rule U-45 thereunder, as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 18, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be given on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after November 18, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on

file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

The Philadelphia Gas Works Company ("P. G. W.") all of whose capital stock is owned by U. G. I., operates the Philadelphia Gas Works properties owned by the city of Philadelphia, under an operating agreement dated October 5, 1938, as amended, which provides among other things for the furnishing of sufficient working capital by P. G. W. to meet the needs of the operation of the Philadelphia Gas Works without interest or any other charge until December 31, 1947.

On October 31, 1947, U. G. I. and P. G. W. jointly notified this Commission, pursuant to paragraph 3 of section (b) of Rule U-45, promulgated under the act, that on October 30, 1947, U. G. I. advanced to P. G. W., to meet the latter's emergency requirements, the sum of \$1,000,000 in cash without interest on open book account for the period ending December 31, 1947.

It is stated that the advance was made so as to provide additional working capital to P. G. W. necessitated by the large increase in the cost of labor, materials and supplies, the increased volume of business done by Philadelphia Gas Works, and its present program of making additions, extensions, betterments and improvements estimated to total \$7,500,000, such funds to be supplied by the city of Philadelphia, pursuant to various ordinances and agreements, under which P. G. W. is obligated however, to make expenditures prior to securing reimbursement from the city.

U. G. I. and P. G. W. now propose that the advance of \$1,000,000 made by U. G. I. to P. G. W. on October 30, 1947 be continued subsequent to December 31, 1947, such advance to bear interest at the rate of 6% from January 1, 1948, which is the same rate of interest P. G. W. is to receive from the Philadelphia Gas Works, as provided in paragraph (3) of clause 7 of the operating agreement referred to above.

It is requested that the Commission's order granting the application and permitting the declaration herein to become effective be issued prior to December 1, 1947, and that it shall be effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-10067; Filed, Nov. 13, 1947;
8:50 a. m.]

UNITED STATES MARITIME COMMISSION

REQUISITION OF TITLE TO VESSEL BLENHEIM (EX-ODENWALD, ALIAS WILLMOTO, ALIAS ASSUAN, ALIAS DENWAL, ALIAS MIHO MARU AND ALIAS NIKKA MARU)

NOTICE OF DEPOSIT OF PART PAYMENT ON ACCOUNT OF JUST COMPENSATION FOR TITLE TO VESSEL

Notice is hereby given that, pursuant to the provisions of section 3 (a) of the

act of March 24, 1943 (Public Law 17, 78th Congress, 1st Session) the United States Maritime Commission on November 7, 1947, deposited with the Treasurer of the United States the sum of Ten Thousand (\$10,000.) Dollars as part payment on account of just compensation for the title to the vessel, Blenheim (ex-Odenwald, alias Willmoto, alias Assuan, alias Denwal, alias Miho Maru and alias Nikka Maru) which was requisitioned by the United States of America, represented by the United States Maritime Commission, on December 13, 1941, pursuant to the Act of June 6, 1941 (Public Law 101, 77th Cong.), 50 U. S. C. Appendix 1271 from the District Court of the United States for Puerto Rico, in Admiralty Cause No. 6 the United States of America, as Owner of the U. S. S. Omaha and U. S. S. Somers and on behalf of the officers and crew of said vessels as libellant against a certain motor vessel identified by the name "Willmoto Philadelphia" painted on her stern and against her cargo and freight; Hamburg American Line, claimant, Allen Property Custodian, claimant and the Swiss Bank Corporation as intervenor.

The attention of all interested parties is invited to the provisions of Section 3 (a) of Public Law 17 Supra concerning claims against the vessel Blenheim (ex-Odenwald, alias Willmoto, alias Assuan, alias Denwal, alias Miho Maru and alias Nikka Maru) which existed at the time she was requisitioned.

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

NOVEMBER 14, 1947.

[F. R. Doc. 47-10130; Filed, Nov. 13, 1947;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 70th Cong., 60 Stat. 59, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9183, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9557, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9728, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10005]

ROBERT RELLING

In re: Bond and stock owned by Robert Relling. F-28-17647-D-1/3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Relling, whose last known address is Bad Oldesloe, near Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain obligation, matured or unmatured, of New York Athletic Club of the City of New York, 180 Central Park South, New York, New York, evidenced by one (1) modified New York Athletic Club first and general mortgage sinking fund gold bond, due December 1, 1955, of \$1,000 face value, bearing num-

ber M7286 and registered in the name of Robert Relling, together with any and all accruals to the aforesaid obligation and any and all rights in, to and under the aforesaid bond,

b. Ten (10) shares of \$15 par value capital stock of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, evidenced by certificate number 293895, registered in the name of Robert Relling, together with all declared and unpaid dividends thereon, and

c. Ten (10) shares of \$100 par value capital stock of American Telephone and Telegraph Company, 195 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number X210791, registered in the name of Robert Relling, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 9, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10034; Filed, Nov. 13, 1947;
8:50 a. m.]

[Vesting Order 10033]

ICHIRO IYEDA

In re: Debt owing to Ichiro Iyeda also known as Leo Iyeda. F-39-1447-C-1, E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Iyeda, also known as Leo Iyeda, whose last known address is Shiga-ken, Otsu-shi, Shigasato, Japan,

is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to Ichiro Iyeda, also known as Leo Iyeda, by Jinichira Otsuka, 2401 Grace Street, Chicago, Illinois, in the amount of \$3660.00, as of September 10, 1947, evidenced by a note, in the principal sum of \$3,725.00, dated July 26, 1941, issued by Jinichira Otsuka, 2401 Grace Street, Chicago, Illinois, and presently in the custody of The Mid-City National Bank of Chicago, 801 West Madison Street, Chicago, Illinois, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid note,

b. That certain debt or other obligation owing to Ichiro Iyeda, also known as Leo Iyeda, by The Mid-City National Bank of Chicago, 801 West Madison Street, Chicago, Illinois, in the amount of \$39.00, as of September 10, 1947, and any and all accruals thereto, evidenced by two cashier checks, numbered 698782 and 701286, issued by said The Mid-City National Bank of Chicago, 801 West Madison Street, Chicago, Illinois, presently in the possession of said The Mid-City National Bank of Chicago, and any and all rights to demand, enforce and collect the aforementioned debt or other obligations, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid cashier checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10085; Filed, Nov. 13, 1947;
8:50 a. m.]

[Vesting Order 10057]

MARKEWITZ & DELECAMP ET AL.

In re: Debts owing to Markewitz & Delecamp, Kohn & Hay, Siegmund Heller and H. Romer. F-28-25226-C-1, F-28-25227-C-1, F-28-25228-C-1, F-28-25225-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Markewitz & Delecamp, Kohn & Hay, Siegmund Heller and H. Romer, the last known addresses of which are Hamburg, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Markewitz & Delecamp, by Armand Schmoll, Inc., 41 Park Row, New York 7, N. Y., in the amount of \$314.49, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Kohn & Hay, by Armand Schmoll, Inc., 41 Park Row, New York 7, N. Y., in the amount of \$123.39, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Siegmund Heller, by Armand Schmoll, Inc., 41 Park Row, New York 7, N. Y., in the amount of \$631.50, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to H. Romer, by Armand Schmoll, Inc., 41 Park Row, New York 7, N. Y., in the amount of \$588.43, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10086; Filed, Nov. 13, 1947;
8:51 a. m.]

[Vesting Order 10060]

EMMA NESTLEN

In re: Bank account and bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Emma Nestlen, deceased, F-28-5389-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emma Nestlen, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation of Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore 2, Maryland, arising out of an account, account number 7945, entitled Emma Nestlen, and any and all rights to demand, enforce and collect the same,

b. Two (2) certificates of deposit representing Georgia, Carolina and Northern Ry. 1st Extd. bonds, said certificates of deposit bearing the numbers 902 and 496, registered in the name of The Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore 2, Maryland, and presently in the custody of The Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore 2, Maryland, together with any and all rights thereunder and thereto, and any and all rights under a plan of reorganization, effective August, 1946,

c. Three (3) United States of America 2½% Treasury coupons bonds, due 1955/60, of \$1,000 face value each, bearing the numbers 275420, 275421 and 275-

422, and presently in the custody of The Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore 2, Maryland, together with any and all rights thereunder and thereto,

d. Four (4) United States of America 2½% Treasury coupon bonds, due 1956/59, bearing the numbers 205062, 205063 and 205064 of \$1000 face value each, and 81970 of \$500 face value, presently in the custody of the Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore 2, Maryland, together with any and all rights thereunder and thereto,

e. One (1) United States of America 3% Treasury coupon bond, due 1951/55 of \$1000 face value, bearing the number 34277, and presently in the custody of The Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore 2, Maryland, together with any and all rights thereunder and thereto, and

f. Four (4) United States of America 2¾% Treasury coupon bonds, due 1960/65, bearing the numbers 91373,

91374 and 91375 of \$100 face value each, and 13230 of \$500 face value, presently in the custody of The Safe Deposit and Trust Company of Baltimore, 13 South Street, Baltimore 2, Maryland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Emma Nestlen, deceased, the aforesaid nationals of a designated enemy country (Germany), and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Emma Nestlen, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10637; Filed, Nov. 13, 1947;
8:51 a. m.]

